

REPORT
OF THE
PUBLIC ARCHIVES

FOR THE YEAR 1923

ARTHUR G. DOUGHTY

Keeper of Public Records

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1924

No. 23—1924]



The Hon. A. B. COPP, LL.B.,
Secretary of State,
Ottawa.

SIR,—I have the honour to submit to you a Report on the work of the Archives for the years 1922 and 1923.

During the past year the Public Archives has been fortunate in securing a number of collections of exceptional interest to students of Canadian history. The Earl of Durham has donated the remainder of the papers collected by his grandfather during his mission to Canada in 1838. These, with the gift of papers in 1907, complete the Durham Papers. They furnish in a large measure the material for the study of a momentous period in our history. A calendar of the papers is given in this volume.

Another gift of exceptional value is the Monckton Papers; miscellaneous documents and printed material, and the Van Loo portrait of Louis XV, presented to the Nation by Sir Leicester Harmsworth, Bt.—as a memorial to his distinguished brother, Viscount Northcliffe. The Monckton Collection consists of the papers accumulated by the Hon. Robert Monckton sometime Governor of Nova Scotia and Second in Command of the expedition to Quebec in 1759. Included in this collection are many documents in the hand of General Wolfe and dispatches of importance addressed to Wolfe by the military authorities. They are of particular interest for the history of the British operations in Canada in 1759-60.

The Nova Scotia Papers in this collection throw light on the period of the expulsion of the Acadians and General Monckton's administration in Annapolis. There are interesting papers connected with Monckton's Governorship of New York and with his operations in Martinique.

The Journals of Captain Bell, A.D.C. to General Wolfe, Wolfe's Order Book, letters of Montcalm and French memoranda are among the more important miscellaneous items of the Northcliffe Memorial.

There are over one hundred volumes, bound in crushed morocco, by Riviere.

Particular interest is attached to the Van Loo Portrait which was sent to Canada by Louis XV during the French *régime* in Canada.

A calendar of the Monckton collection and the documents acquired during the year is in course of preparation.

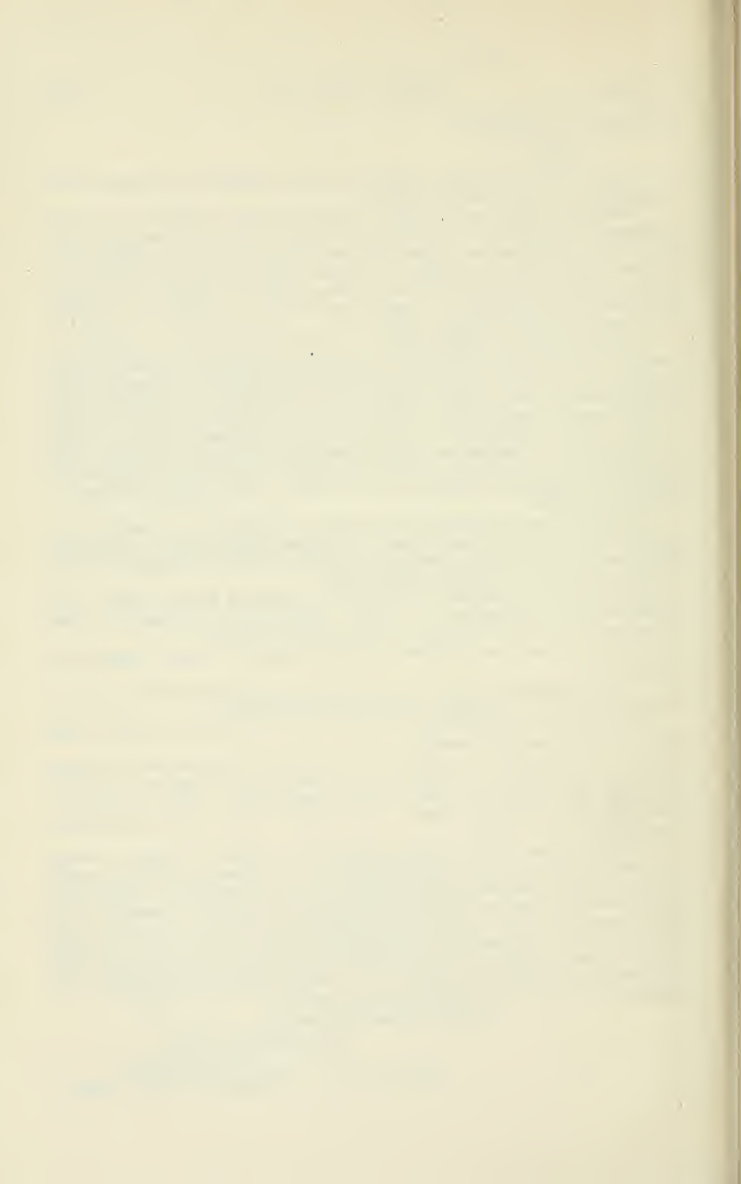
The Department has acquired the famous Montcalm-Levis-Vaudreuil papers, dealing with the last days of French occupancy in Canada. Letters of Montcalm are particularly scarce and this large collection will be welcomed by every student of the old *régime*. The calendar of this collection appears as Appendix C to this volume.

During the past year a History Society was formed in England through the untiring efforts of Sir Campbell Stuart. Its members are the representatives of families connected with this country since the beginning of British rule. A similar society has been formed in France to embrace the representatives of those connected with the history of French rule in Canada. It is hoped that the efforts of the members of these societies will result in the discovery of many sources of history. Since the foundation of the society in November last Lord Dartmouth has donated his papers to the Archives, and several families have promised to follow his example after an examination of their records.

I have the honour to be, sir,

Your obedient servant,

A. G. DOUGHTY,
Deputy Minister and Keeper of Public Records.



APPENDICES TO ARCHIVES REPORT

- A. Reports of the Index, Manuscript and Maps Divisions.
- B. Calendar of the Durham Papers.
- C. Calendar of the Bourlamaque Collection.
- D. Miscellaneous.

APPENDIX A

INDEX AND INFORMATION DIVISION

During the twenty-one months which have elapsed since my last report, the work in this division has been pursued most diligently. Forty-six volumes of the Military, or C series, have been indexed.

An index of the *Quebec Gazette* has also been started, and the first eight volumes (1764-1771) are now complete. When more advanced, this index will prove of great value, as *Gazette* contains many interesting details about prominent people and events of the early part of British rule in Canada, which are not to be found elsewhere.

Many thousand cards have also been added to various accessory indexes intended to aid the workers in this branch:—biographical, genealogical, geographical, etc. These cards are of great assistance to the department when called upon to give information about individuals or families, and they are useful for the preparation of a general index.

The number of cards prepared, typewritten, classified, and distributed in their respective drawers, is as follows:—

Series C	66,455
Quebec Gazette	10,858
Library catalogue	11,194
Various indexes	24,276
Total	112,783

SEARCHES

The work of this branch is increasing. During the year 1922, 1,033 requests were made for information from all parts of the country—many of them involving extensive research. The small staff available for this purpose is taxed to the utmost, and if the demands continue to increase it will be necessary to make provision for assistants.

It is customary in other Archives for research work to be conducted by inquirers and at their own expense. The present system, however, is of great convenience to the public.

MANUSCRIPT DIVISION

Manuscripts received, January 1, 1922-March 31, 1923

TRANSCRIPTS FROM ENGLAND

PUBLIC RECORD OFFICE

- C.O. 1. Volumes 45-68; 1680-1697.
C.O. 5. Volume 109, Military; 1783.
 Volumes 119, 120. Admiralty; 1771-1774.
 Volumes 134-137. Post Office; 1773-1780.
C.O.188. Volumes 40-44. New Brunswick State Papers; 1831-1832.
State Papers Foreign, France, Volumes 84-86, 112; 1629-1630.
Treaty Papers, France. Volumes 9, 10; 1602-1623.
Admiralty Secretary in letters. Volumes 514, 515; 1823.
Chatham Papers Bundles 98; 1745-1771.
 346; 1782-1805.
 347; 1791-1792.

GENERAL POST OFFICE

Post Office Transcripts, 1847, 1848.

BRITISH MUSEUM

Haldimand Papers Nos. 21732, 21734, omitted from previous transcription.

DARTMOUTH PAPERS

2 volumes. 1766-1775.

PATENT ROLLS

- 20 James I. Part 15. No. 13.
22 Chas. II. Part 3. No. 21.
27 Chas. II. Part 11. No. 12.
13 Victoria Part 3. No. 11.
20 Victoria Part 3. No. 25.
27 Victoria Part 2. No. 3.
27 Victoria Part 2. No. 6.
33 Victoria Part 1. No. 14.

ORIGINALS FROM ENGLAND

- C.O. 188. New Brunswick State Papers.
 Volumes 148-193. Despatches received; 1784-1865.
 194-206. " sent; 1785-1853.

C.O. 189. New Brunswick State Papers (presented Dec. 1921).

Volumes 6. Index to despatches; 1848-1867.

8. Letter book of " ; 1861-1864.

7. Schedule of despatches received; 1861-1867.

8. Letter book of " " ; 1861-1864.

9. " " " " " ; 1864-1867.

Stirling letters. 1828-1829.

Phillips Collection. No. 35857. Petition of Samuel Waldo and others, 1784. Penobscot River grant.

Winchester Collection. Lots 279-283. Letters of, or documents relating to Lowen, Monk, Mounier, and Wentworth.

Military Commissions of John Small, 1777, 1784.

Book of General Wolfe's orders, 1749, 1759.

TRANSCRIPTS FROM FRANCE

ARCHIVES NATIONALES

Series V⁷. Vols. 127, 214, 362, 403.

Archives des Colonies—

Series F.^{1A} Vol. 1; 1670-1680.

Series F.³ Vols. 26-53; 1627-1755.

(Collection Moreau Saint Mery.)

Archives de la Marine—

Series B². 199-231. 1707-1712.

" B³. 170-219. 1709-1713.

" C¹. 165 1680-1750.

MINISTERE DES AFFAIRES ETRANGERES

CORRESPONDANCE POLITIQUE

Angleterre. Vols. 283-333. 1716-1720.

MEMOIRES ET DOCUMENTS

Amerique. Vols. 24, 25. 1518-1763.

Angleterre. Vols. 1, ". 1782-1805.

MINISTERE DE LA GUERRE

ARCHIVES ANCIENNES

Correspondance. Vols. 3417, 3457, 3498, 3499,
3512, 3532, 3537, 3540,
3555, 3570, 3573.

BIBLIOTHEQUE DE L'ARSENAL

Archives de la Bastille. Cartons 12145-12147, 12168, 12200, 12480, 12501-12507, 12509, 12519, 12569, 12582.

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BIBLIOTHEQUE NATIONALE

Departement des Imprimeries L.B.³⁸ 760; 1757.

Fonds Francais Nos. 7220-7221, 7223, 7227-7229, 7233-7235, 27243.

MINISTERE DES COLONIES

Depot des Fortifications Cartons 5-9.

Rochefort.

Archives du 4^{ieme} Arrondissement Maritime—Series I^B Bundles 3-37; 1692-1723.Series D^I Bundle 52; 1750.

MATERIAL FROM CANADIAN SOURCES

TRANSCRIPTS

Jugements et Deliberations du Conseil Superieur. Continuation of previous accessions. 1717-1745 are now copied.

Judicial Records. Barony of Longueuil; 1761-1764.

Lafontaine Papers. Continuations of previous accessions.

Muster Rolls. Volumes 94, 96, 136, copied from Massachusetts Archives.

Registers—Acadians of Belle Isle, by Capt. C. E. Lart.

Atkapas, (St. Martinville) Louisiana; 1756-1765.

St. Andrews East.

St. André d'Argenteuil.

St. Hermas.

Wyatt letters from Baldwin Collection, sent by W. P. Kennedy.

RECORDS TRANSFERRED FROM OTHER DEPARTMENTS

Records of Manitoulin Island—transferred from Department of Indian Affairs.

Records of Commissariat Office, York, 1817-1818, transferred from Patent Office.

Militia Record Books—Halifax, 2 volumes transferred by Militia Department, 1848, 1866.

ORIGINAL PAPERS

Boyle Papers—Collection of late John Boyle, Toronto. (Transportation, Toronto and Georgian Bay.)

Ermatinger Papers. Collection of late Judge Ermatinger. (Hudson's Bay matters 1826-1860.)

Lake Megantic history. Compilation of scrap books, etc., by J. P. Jones.

Macdonell Papers. Collection of late Senator Macdonell. (Baldoon Settlement, and Military Papers—1812-1814.)

Norfolk Historical Society. Documents from, (photostat).

Pownall and Debbieg letters 1757, 1765.

Petition Roman Catholic Inhabitants of Lower Canada 1784 (a huge parchment roll).

Taillefer Papers. From estate of late J. P. Taillefer. Miscellaneous notebooks relating chiefly to L. J. Papineau.

Wright Papers. Collection made by late Alex. W. Wright, Niagara-on-the-Lake. Scrapbooks and correspondence chiefly on Labour and Tariff Reform.

MAP DIVISION

Among the maps received are a number which will be found valuable by the student of the period of the French Régime: There are three maps by Franquelin, of 1688, 1702, and 1710. The first contains, as an inset, an interesting view of Quebec city. Others which may be mentioned are, a map of Hudson's Bay by La Pérouse, two of Annapolis Royal, of 1741 and of 1743; and one of North America by Jean Roques of 1761.

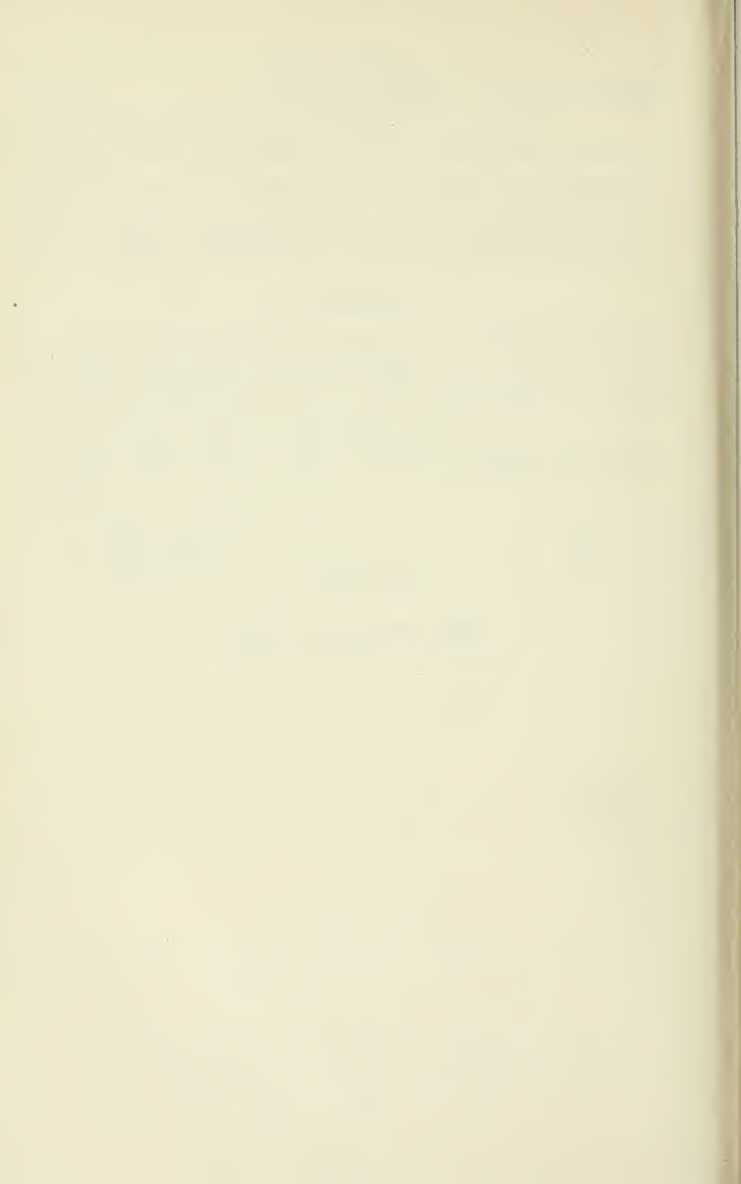
County atlases were received for the counties of Wellington, York, Ontario and Quebec. These maps are useful, for the amount of local information they contain.

The register for the year shows:—

Maps received.....	583
Maps drawn.....	92
Searches.....	271

APPENDIX B

THE DURHAM PAPERS



THE DURHAM PAPERS

The Durham Papers are of unusual importance to students of one of the most critical years in the history of Canada. An insurrection which had broken out in both Upper and Lower Canada in November and December of 1837 had been suppressed; but discontent and its moving causes still remained.

At this juncture Lord Durham was selected by the Government in England to come to Canada to study the situation, and submit a plan, which, by removing the causes of disaffection, would enable the country to enter on such a career of prosperity, as the character of its people and the extent of its resources gave ample warrant for anticipating.

The papers in this collection contain the record of his proceedings during his stay in this country, between the end of May and the beginning of November, 1838, and of the views entertained by the Government in England regarding them.

They consist of all the despatches exchanged between Durham and the Colonial Secretary and other Ministers of the Crown; of those exchanged between Durham and the Lieutenant Governors of the several provinces, and the British Minister at Washington; of papers relating to the state of public feeling in Upper and Lower Canada, and on the frontiers in the adjoining States of the Union; and of the transactions of the commissions appointed to enquire into the administration of the Public Lands, the emigration policy; and into the educational, charitable and other public institutions of the country. Besides these, there is a mass of correspondence from persons in all classes of society, written in response to an invitation from Durham, setting forth the grievances from which the people of the provinces suffered and suggesting measures for their removal.

The papers furnish the means of estimating the extent of Durham's own share in the work of administration and investigation with which he had been entrusted. During the five months of his residence in Canada, 142 despatches and letters were sent by Durham to the Colonial Secretary and other Ministers. Of these 93 are represented in the collection by the original drafts. Much the greater part of these drafts are in Durham's own hand, and practically all of them bear his initials as approved by him. As is the case with all official correspondence, the majority of the despatches relate to matters concerned with ordinary routine. The drafts of the following papers were written by Durham himself: the Proclamation announcing his assumption of the government, and the aims it was his intention to pursue; the despatch of June 29, reporting the measures he had taken with respect to the political prisoners, including the banishment of eight of the leaders to Bermuda; the despatch of the same day on the necessity for a comprehensive scheme of emigration and for some judicious plan for the disposal of the Public Lands; and the secret and confidential report of August 8 on the state of affairs in Lower Canada.

Several of the more important papers in the collection have been printed in full. The first two are secret minutes prepared by an official of the Colonial Office and privately printed for the use of the Cabinet. They give as clear an idea of the situation in Canada until the end of 1837 as could be gathered from the despatches and other documents received from this country.

The second is the report made to Durham by Colonel Grey, on his mission to Washington, which was undertaken at Durham's instance for the purpose of requiring that the Government of the United States should take measures to check the lawless raids from their frontiers into Canadian territory.

The third is Durham's despatch of August 9, 1838, setting forth the impressions which he had formed during the first two months after his arrival in Canada.

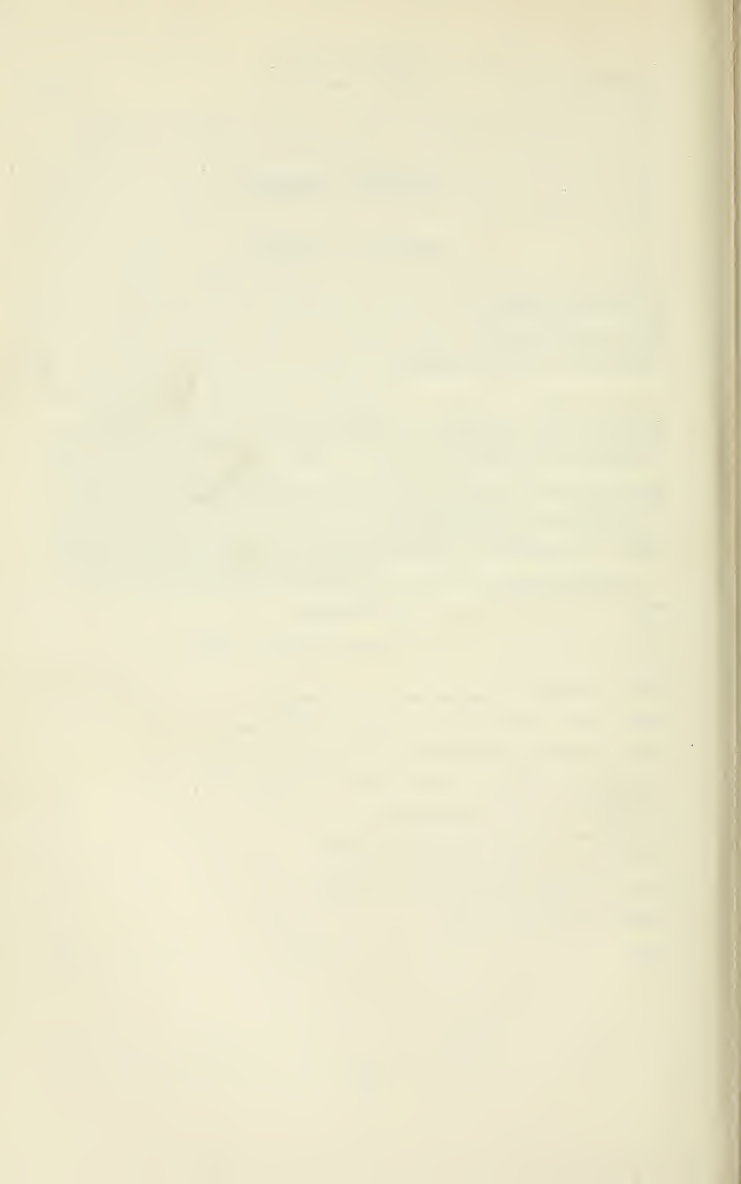
The next is a letter from Robert Baldwin, written on August 23, 1838, as the result of a conversation he had with Durham while the latter was in Toronto, on the changes which should be made in the form and spirit of the government of Canada. This was of special value to Durham, as confirming his view that no government could be successful, which did not rest on the consent and goodwill of the people.

Following this letter is one from Lord Grey containing an appreciation of Durham's Report. Its importance lies in the fact that Grey, who was Secretary at War at the time, became Colonial Secretary in 1846, and this letter furnishes a statement of the views with which he entered on the administration of this office. The co-operation of Grey as Colonial Secretary with Durham's son-in-law, Lord Elgin, who was Governor General during the period of Grey's administration and who claimed to be Durham's political heir, is an interesting and important incident in our history.

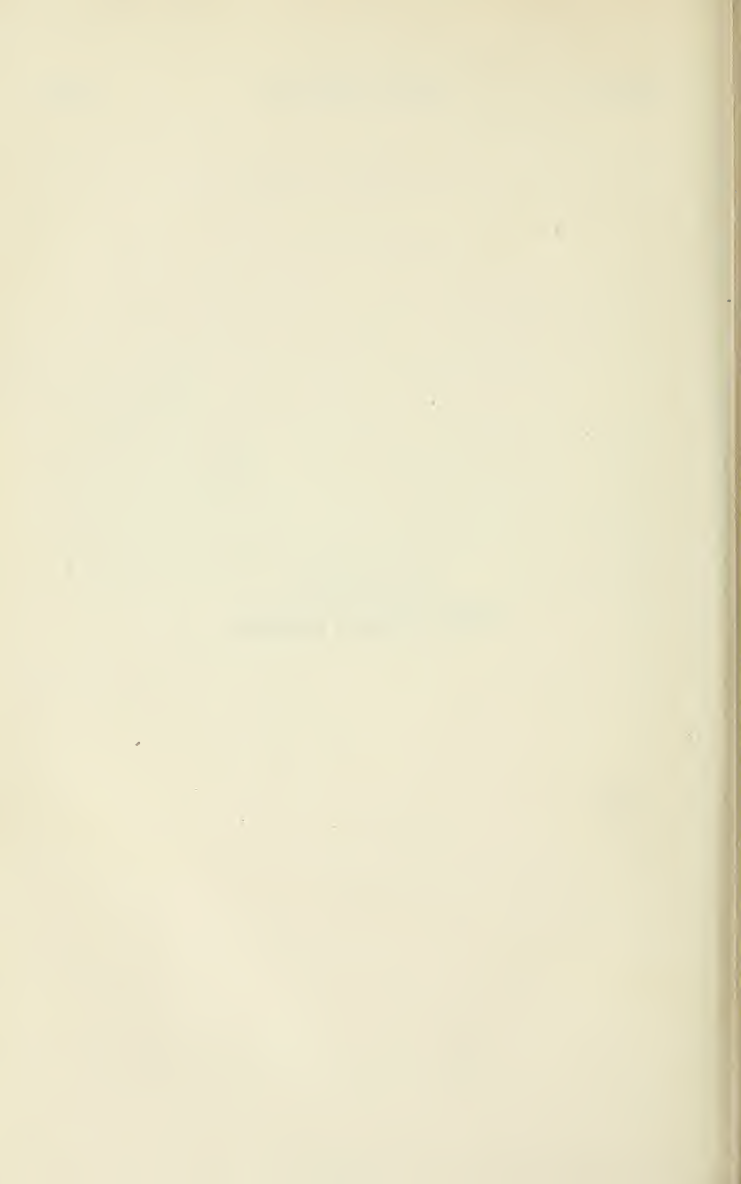
The Sketch of Lord Durham's Mission to Canada in 1838, written by Charles Buller in 1840, is of particular interest, as showing, more unmistakably than has been done elsewhere, the line of ideas which actuated Durham, in carrying on his work in this country. Buller was Durham's chief secretary, and enjoyed his full confidence.

The last document printed is a translation of the Journal of Amury Girod, which was kept in German and Italian, during the period between November 15 and December 8, 1837. It is a record of Girod's proceedings as a Patriot, in the districts of Richelieu and Lake of the Two Mountains. It contains much information on the insurrection in those districts.

WM. SMITH.



APPENDIX B
THE DURHAM PAPERS



COMMISSION TO LORD DURHAM

VICTORIA, by the grace of God, of the United Kingdom of *Great Britain and Ireland* Queen, Defender of the Faith. TO Our right trusty and right well-beloved Cousin and Councillor, *John George* Earl of *Durham*, Knight Grand Cross of the Most Noble Order of the Bath, Greeting: WHEREAS, by five several Commissions under the Great Seal of Our United Kingdom of *Great Britain and Ireland*, We have constituted and appointed you, the said *John George* Earl of *Durham*, to be Our Captain General and Governor-in-Chief in and over each of Our Provinces of *Lower Canada*, *Upper Canada*, *Nova Scotia* and *New Brunswick*, and in and over Our Island of *Prince Edward*, in *North America*: And We have, by the said several Commissions, made provision for the administration of the government of Our said Provinces and of the said Island respectively, in the event of your absence, by authorizing the respective Lieutenant-Governors or Administrators of the Governments of the said Provinces and of the said Islands respectively, in that contingency, to exercise the powers by the said Commissions respectively granted to you: And whereas We have, by a Commission under the Great Seal of Our said United Kingdom of *Great Britain and Ireland*, constituted and appointed our trusty and well-beloved *Henry Prescott*, Esquire, Captain in Our Royal Navy, to be Our Governor and Commander-in-Chief in and over our Island of *Newfoundland* and its dependencies: And whereas there are at present certain weighty affairs to be adjusted in the said Provinces of *Lower and Upper Canada*: Now KNOW you, That We, reposing especial trust and confidence in the prudence, courage and loyalty of you, the said *John George* Earl of *Durham*, have, of Our especial grace, certain knowledge, and mere motion, thought fit to constitute and appoint, and do hereby constitute and appoint you, the said *John George* Earl of *Durham*, to be Our High Commissioner for the adjustment of certain important questions depending in the said Provinces of *Lower and Upper Canada* respecting the form and future government of said Provinces: And We do hereby give and grant unto you, the said *John George* Earl of *Durham*, as such High Commissioner as aforesaid, full power and authority in Our name and in Our behalf, by all lawful ways and means, to inquire into, and, as far as may be possible, to adjust all questions depending in the said Provinces of *Lower and Upper Canada*, or either of them, respecting the Form and Administration of the Civil Government thereof respectively: And whereas, with a view to the adjustment of such questions, We have deemed it expedient to invest you with the further powers hereinafter mentioned: Now KNOW YOU, That We do in like manner constitute and appoint you, the said *John George* Earl of *Durham*, to be Our Governor-General of all the said Provinces on the Continent of *North America*, and of the said Islands of *Prince Edward* and *Newfoundland*: And We do hereby require and command all Our Officers, Civil and Military, and all other Inhabitants of Our said Provinces, and of Our said Islands respectively, to be obedient, aiding and assisting unto you, the said *John George* Earl of *Durham*, in the execution of this Our Commission, and of the several powers and authorities herein contained: Provided nevertheless, and We do hereby declare Our pleasure to be, that in the execution of the powers hereby vested in you, the said *John George* Earl of *Durham*, you do in all things conform to such instructions as may from time to time be addressed to you for your guidance by Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State: Provided also, and We do hereby

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declare Our pleasure to be, that nothing herein contained shall extend, or be construed to extend, to revoke or to abrogate the said Commission under the Great Seal of Our said United Kingdom of *Great Britain and Ireland* appointing the said *Henry Prescott* Governor and Commander-in-Chief of Our said Island of *Newfoundland*, and its dependencies, as aforesaid: And We do hereby declare, ordain and appoint that you, the said *John George Earl of Durham*, shall and may hold, execute and enjoy the said offices of High Commissioner and Governor-General of Our said Provinces on the Continent of North America, and of the said Islands of *Prince Edward* and *Newfoundland*, as aforesaid, together with all and singular the powers and authorities hereby granted unto you for and during Our will and pleasure. In witness whereof, We have caused these Our Letters to be made Patent. Witness Ourself at Westminster, the Thirty-first day of March, in the First year of Our Reign.

By Writ of Privy Seal.

EDWARDS.

VICTORIA R.

INSTRUCTIONS to Our Right Trusty and Right Well beloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, Our Captain General and Governor in Chief in and over Our Province of Lower Canada, or in his absence, to Our Lieutenant Governor, or the Officer Administering the Government of Our said Province for the time being. Given at Our Court at Buckingham Palace the Second day of April 1838 in the First year of Our Reign.

WHEREAS by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the 12th day of April 1820 in the first year of the reign of Our late Royal Predecessor King George the Fourth, His said late Majesty did constitute and appoint George Earl of Dalhousie, since deceased, to be Captain General and Governor in Chief in and over the Province of Upper Canada and in and over the Province of Lower Canada, and did thereby require and Command him the said George Earl of Dalhousie to do and execute all things in due manner that should belong to his said Command and the Trust so reposed in him, according to the several powers and directions granted and appointed him by his said Commission and the Instructions therein referred to.

AND WHEREAS the Instructions so referred to as aforesaid in the said Commission, did accompany the same under the Signet and Sign Manual of His said late Majesty King George the Fourth, and bearing date the 13th day of April 1820.

AND WHEREAS the successive Governors and Officers Administering the Government of the said Provinces respectively,—subsequently to the appointment of the said George Earl of Dalhousie, under successive Commissions issued for that purpose under the Great Seal aforesaid by Our late Royal Predecessor King William the Fourth, were Instructed by His said late Majesty to execute such Commissions according to the Standing Instructions so addressed as aforesaid to the said George Earl of Dalhousie.

AND WHEREAS by a Commission under Our Great Seal bearing date at Westminster the thirtieth day of March in the First year of Our reign We did constitute and appoint you the said John George Earl of Durham to be our Captain General and Governor in Chief in and over Our said Province of Lower Canada, and did thereby require and command you the said John George Earl of Durham to do and execute all things in due manner that should belong to your said Commission and the Trust thereby reposed in you, according to the several

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powers provisions and directions granted or appointed you by virtue of Our said Commission and according to such Instructions as are therein mentioned.

AND WHEREAS the said Standing Instructions so addressed as aforesaid to the said George Earl of Dalhousie are in many respects obsolete and inapplicable to the present condition of the said Province of Lower Canada, and have in certain respects, been superseded by Statutes made and Enacted by Us or by Our said late Royal Predecessors, either with the advice and consent of Parliament, or with the advice and consent of the Legislative Council and Assembly of the said Province.

AND WHEREAS it is therefore expedient that the said Standing Instructions so addressed as aforesaid to the said George Earl of Dalhousie should be revised, but in the present condition of Our said Province the final revision thereof could not be completed without prejudice to Our Service.

NOW THEREFORE by these Our Instructions accompanying your said Commission We do authorize and require you to conform to and abide by the said Standing Instructions so addressed as aforesaid by His said late Majesty King George the Fourth to the said George Earl of Dalhousie, but so far only as the same are not obsolete, or have not been superseded by any such Statute as aforesaid, or as the same may not be found to be inapplicable to the present state of affairs in Our said Province.

The Right Honorable

The EARL OF DURHAM, G.C.B.,

Instructions.

Lower Canada.

VICTORIA R.

ADDITIONAL INSTRUCTIONS to Our Right Trusty and Right Wellbeloved Cousin and Councillor John George Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, Our Captain General and Governor in Chief in and over Our Province of Lower Canada, or his absence to Our Lieutenant Governor or the Officer Administering the Government of Our said Province for the time being Given at Our Court at Windsor this Thirteenth day of April 1838, in the First Year of Our Reign.

WHEREAS by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland constituting you Our Captain General and Governor in Chief in and over Our Province of Lower Canada, We did require and command you to do and execute all things in due manner that should belong to your said Command, and the Trust thereby reposed in you, according to the several powers and authorities granted or appointed you by the said Commission, and the Instructions under Our Royal Sign Manual and Signet therewith given to you, and according to such further Powers, Directions, and Authorities, as should at any time thereafter be granted or appointed you under Our Royal Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State.

AND WHEREAS by an Act passed in the First Year of Our Reign Intituled "An Act to make temporary provision for the Government of Lower Canada," it is amongst other things enacted that it shall be lawful for Us by any Commission or Commissions to be from time to time issued under the Great Seal of Our United Kingdom or by any Instructions under Our Signet and Sign Manual, and with the advice of Our Privy Council, to constitute a special Council for the affairs of Our said Province of Lower Canada, and for that purpose to appoint, or authorize the Governor of Our said Province to appoint, such and so

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many Special Councillors as to Us should seem meet, and to make such provision as to Us should seem meet for the removal, suspension, or resignation, of all or any such Councillors.

Now Know you that in pursuance of the powers so vested in Us by the said recited Act, We have with the advice of Our Privy Council, by these present Instructions under Our Signet and Sign Manual thought fit to constitute, and with the advice aforesaid do hereby constitute such Special Council for the affairs of Lower Canada, and for that purpose have authorized and do hereby authorize you to appoint not less than Five Special Councillors, for the purposes of the said Act.

It is nevertheless Our Pleasure and We do hereby direct, that such persons only shall be appointed by you special Councillors, in pursuance hereof, and of the said Act, as shall be persons of approved Loyalty and good life, and as shall be of the full age of Twenty-one years, and as shall be Our Subjects natural born, or duly naturalized: And We do hereby provide and declare that all or any of such Councillors may at their pleasure resign such their Offices, and that it shall be competent to you, upon any good and sufficient cause to you appearing, to suspend any such Councillor. And We do hereby reserve to Us full power and authority from time to time as to Us shall seem meet to remove all or any of such Councillors.

The Right Honorable

The EARL OF DURHAM, G.C.B.,
Additional Instructions,
Lower Canada.

SECTION 1.—LETTERS AND DESPATCHES TO LORD DURHAM FROM COLONIAL SECRETARY AND OTHER MEMBERS OF THE GOVERNMENT.

VOLUME I

Lord Melbourne (Prime Minister) to Durham. *A.L.S.* Enclosing sketch of bill to be submitted to Parliament when it meets. Expressing earnest desire of himself and colleagues that Durham will assume government of British North American Provinces. Aware that post is not unattended with "great risk and hazard", but it gives opportunity of rendering "great and essential service" to country in great emergency. Large powers conferred by bill would not be given except to "a person like yourself, of great personal weight and of known popular and liberal principles". Desirable that Durham's decision as to acceptance should be communicated without delay. Glenelg will explain details. 1838
Windsor
Castle,
January 7.

Sir George Grey (Under Secretary for Colonies) to Durham. *A.L.S.* Sending for his approval amended form of his commission, so as to avoid inclusion of Hudson's Bay Territories. C.O.
January 16.

Memorandum, respecting the Commissions to be issued to Durham. (Apparently prepared by an officer in the Colonial Office). Gosford and predecessors in government of Lower Canada were given commissions for government of each and all provinces. In each of other provinces, the Governor's commission was administered by a Lieutenant Governor, who corresponded directly with Secretary of State. The distinction therefore was merely titular. p. 5
January 20.

If Governor had resorted in person to any of other provinces, the Lieutenant Governor's office and authority would have been suspended during continuance of Governor in that province. The Governor was therefore interdicted from going beyond limits of Lower Canada.

Though there are five provinces, there are only three commissions: one for two Canadas, one for Nova Scotia and Prince Edward Island, and one for New Brunswick. The reason would seem to be to save fees at Patent Office. The inconvenience is that the commissions respecting Upper Canada and Prince Edward Island were not accessible in those provinces.

The best mode of preparing the commissions would seem to be as follows:

First, a distinct commission to Durham as Governor of each province. These might be deposited at the respective provincial capitals.

Second, a sixth commission would constitute Durham Governor General, Captain General and Lord High Commissioner throughout British North America. This he would retain, and it would accompany him wherever he had occasion to repair.

The ordinary commission would authorize Durham and the several Lieutenant Governors to conduct apart from each other the common duties of the Government. The extraordinary commission would require the Lieutenant Governors to execute their powers under instructions of the Governor General. The advantage of this mode is that when Durham's functions as Governor General and High Commissioner cease, the particular commission may be revoked, and the others remain undisturbed. p. 8

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- January 25. Glenelg to Durham. *A.L.S.* Transmitting a letter from Major Sabine, whom he describes as a very clever and scientific man. p. 12
- Arundel, Enclosure:
January 23. E. Sabine to Glenelg. *A.L.S.* Offering his services to Durham mission. p. 15
- Downing
Street,
January 20. Lord Glenelg (Colonial Secretary) to Durham. No. 1. *L.S.* Some interim instructions or rather suggestions pending the preparation of formal instructions. Abstains from reference to measures for suppression of disturbances, in hope that there will be no occasion for them. Durham's main business is to prepare way for return to system founded on principles of liberty forming base of British Constitution and Act of 1791. Agitated state of public mind may make immediate steps inadvisable. Different method of administration to be authorized temporarily. Durham's personal influence and attention expected to restore calmness. Measures based on report of Commission of 1836 being prepared for Parliament, but deferred owing to death of King and outbreak in Canada. More extensive changes now necessary than before the insurrection. Necessity of learning views of Canadians on amendments to Act of 1791. British minority in Lower Canada complain of anti-commercial and unprogressive spirit of majority. This also subject of grievance in Upper Canada. Measure for Union of Provinces introduced in Parliament some few years before, but dropped. Upper Canada Assembly petition for annexation of Montreal to that province. Imperial Parliament probably to be called upon for legislation. Importance of learning sentiments of Canadians on public questions. Suggestion of conference to be composed of 3 members of Legislative Council and 10 of Assembly of Upper Canada with equal number from Lower Canada, 3 from Special Council and 10 popularly elected. Most important subjects for discussion are the questions in dispute between the two provinces—questions of trade, intercolonial and (for Upper Canada) foreign. Suggestion of some joint legislative authority to deal with matters of common interest, local matters being left to provincial legislatures. Another subject for joint consideration should be composition of Legislative Council of Lower Canada, which Assembly of that Province desired to have elective. Other subjects for consideration of conference should be provision for expenses of Civil Government in Lower Canada—land tenure—court for appeals and impeachments. While conference is suggested, Durham to be free to choose any other means of gaining necessary information. His commission to be co-extensive with British possessions in North America, to enable him to consider their general interests comprehensively. p. 19
- Downing
Street,
March 10. Glenelg to Durham. No. 2. *L.S.* Enclosing letter from Lord Hill, respecting forces to be stationed in North America, and their distribution. Hill's proposals have been approved. p. 57
- Enclosure:
Lord Hill (Commander-in-Chief) to Glenelg. *Copy.* Furnishing statement of forces assigned to British North America, and their distribution. p. 60
- Horse
Guards,
February 27. Lord Hill (Commander-in-Chief) to Glenelg. *Copy.* Furnishing statement of forces assigned to British North America, and their distribution. p. 60
- Downing
Street,
March 10. Glenelg to Durham. No. 3. *L.S.* Respecting accommodation for Durham's family and suite in Canada. p. 68
- Enclosures:
(1) Captain C. Clements to Grey. *Copy.* Reporting, with reference to Durham mission, as to the accommodation existing in Quebec and Montreal. p. 72
- 2 Grosvenor
Square,
February 27.

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(2) A. Y. Spearman, Permanent Secretary to Treasury, to James Stephen, Permanent Under-Secretary for Colonies. Respecting hire of buildings for the accommodation of Durham and staff in Canada. 1838. Treasury Chambers, March 9.

p. 84

Glenelg to Durham. No. 4. *L.S.* Enclosing despatch from Gosford of July 12, 1837, containing memorial from Bruce, Shillitoe, McIntyre and Martin for confirmation of grant of 66,242 acres of land in Gaspé, for Durham's decision. Discussion of duties of Crown as custodian of public interests. Irregularities of Felton, Land Commissioner. 1837. Downing Street, March 13.

p. 93

Enclosures:

Gosford to Glenelg. No. 70. Calendared with enclosures in Report for 1901, p. 989. (See Q. 237, pp. 342-455). 1837. Quebec, July 12.

p. 121

Glenelg to Durham. No. 5. *L.S.* Enclosing letter from A. W. Cochran, Law Clerk of Legislature, as to the position of himself and other officers of the Legislature during the suspension of those bodies. Emoluments must be suspended during that period, but perhaps other work may be found for them. 1838. Downing Street, March 20.

p. 161

Enclosure:

Cochran to Grey. *Copy.* Pointing out that the prominent officials connected with the Legislative bodies in Lower Canada will be deprived of their positions under the bill for the government of that Province, and asking that they may be protected. 68 Haymarket, January 25.

p. 165

Glenelg to Durham. No. 6. *L.S.* Asking for statement of his proposed establishment as Governor General and High Commissioner, to meet question asked in House of Commons. 1838. Downing Street, March 24.

p. 168

Copy of despatch No. 6.

p. 171

Glenelg to Durham. No. 7. *L.S.* Enclosing correspondence respecting application of Chief Justice Reid of Montreal for leave to retire. Should application be renewed, it may be acceded to, the pension being £732 per annum. Durham to select successor, subject to King's confirmation. 1838. Downing Street, March 25.

p. 174

Enclosures:

(1) Stephen to Spearman. *Copy.* Enclosing application from Chief Justice Reid; and recommending that it be considered favourably. The Chief Justice has been in service for nearly 30 years. 1838. Downing Street, February 19.

p. 178

(2) Spearman to Stephen. *Copy.* Treasury prepared to allow pension not exceeding £732 annually, to be paid from Casual and Territorial Revenue. Treasury Chambers, March 8.

p. 182

Glenelg to Durham. No. 8. *L.S.* Transmitting four commissions appointing him Governor General of Lower Canada, Upper Canada, New Brunswick and Prince Edward Island. The commission respecting Nova Scotia already transmitted to Lieutenant Governor of that province. Also a commission as Governor General of all British North America, including Newfoundland, and as High Commissioner for investigating certain questions. Explanations of powers intrusted to him by Commissions and Instructions. Deviations in terms of these documents from earlier documents of same character. Course marked out in treatment of commissions, and in dealings with lieutenant governors. 1838. Downing Street, April 3.

p. 185

Glenelg to Durham. No. 9. *L.S.* Her Majesty's ship "Hastings" will be ready to take Durham and suite on 9th or 10th. Request to know when Durham will be ready to embark. 1838. Downing Street, April 5.

p. 201

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1838.
Downing
Street,
April 17.

Glenelg to Durham. No. 10. *L.S.* Buchanan, Immigration Agent at Quebec, retiring on ground of ill-health. Buchanan, junior, appointed to succeed him. p. 204

Downing
Street,
April 18.

Glenelg to Durham. No. 11. *L.S.* Enclosing two copies of Rules and Regulations for guidance of officers in colonies. p. 207

Downing
Street,
April 19.

Glenelg to Durham. No. 12. *L.S.* Enclosing a communication from Messrs. Moffatt and Badgley of Montreal, on composition of Legislative Council and representation in Lower Canada. p. 209

Enclosure:

London,
April 16.

G. Moffatt to Durham. *L.S.* Further information on composition of legislative bodies in Lower Canada. (1) Legislative Council. Notes with satisfaction Durham's aversion from elective principle. Results if this principle were applied in Lower Canada. Necessity of interposition of independent body between Executive and Assembly. Composition of Legislative Council in 1827, 1834, and as proposed in 1837.

In 1827, 27 members, of whom 17 were office holders in connection with Government.

In 1834, 38 members, of whom 1 was permanently absent, 2 were judges, who on recommendation of King did not sit. Of remaining 35, 7 were connected with Government, 28 were not. Of the 28 unconnected with Government, 22 were appointed by Sir James Kempt and Lord Aylmer. Of these, 12 were of French origin, and 10 of British origin.

In the Council of 1837, if Lord Gosford's appointments had gone into effect, there would have been 40 members—18 of French origin, 22 of British. Of latter 22, 9 did not or could not attend, leaving 18 of French and 13 of British origin. Of these 3 would be office holders. This shows recommendations of report of House of Commons of 1828, to have been carried into effect.

(2) Defects in Representative System. "Defects have originated in the representation having been arbitrarily formed at variance with the principles of a compound basis of territory and population recommended by the Canada Committee of 1828." Influence of British population, especially in Townships, suppressed. p. 211

Downing
Street,
April 19.

Glenelg to Durham. No. 13. *L.S.* Enclosing address of several persons whose names are subscribed, delivered by Moffatt and Badgley on grievances of people of British origin in Lower Canada. p. 219

Enclosure:

Address to Queen. *In print.* Representing the neglect of their interests; the detriment due to antiquated French laws; the Feudal System; denial of legislation to remove burdens on land conveyance, and to afford security for investment; and to exclusion from all influence in Assembly. No union of interests possible between British and French. Demand re-union of provinces, gradual introduction of English language in all legislative and judicial proceedings, and redistribution of constituencies which will give the British portion their fair representation. p. 222

Downing
Street,
April 20.

Glenelg to Durham. No. 14. *L.S.* Enclosing memorial from William Smith, Clerk of Legislative Council, praying that on his retirement, he may receive honor of knighthood. p. 225

1837.
Quebec,
October 1.

Memorial of William Smith. *Copy.* p. 227

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Glenelg to Durham. No. 15. *L.S.* Enclosing correspondence on subject of application of A. W. Cochran, late Auditor of Land Patents and Commissioner of Court of Escheat for retiring allowance on abolition of those offices. He is granted £200 per annum until further employment can be found for him in public service. p. 232

Enclosures:

(1) Stephen to Spearman. *Copy.* Enclosing Cochran's memorial, reciting circumstances of cases, and recommending adequate pension until opportunity of re-employing him arises. p. 236

Sub-enclosures:

(a) Cochran's memorial, setting forth his public services, and inviting attention to letter from Duke of Richmond (hereunder). *Copy.* p. 242

Duke of Richmond to Cochran. *Copy.* Explaining his appointment of Colonel Ready to office issuing Marriage licenses; and stating he is appointing Cochran to office of Auditor of Land Patents. p. 258

(b) Glenelg to Gosford. *Copy.* Stating that Cochran's application cannot be acceded to. p. 261

(c) Cochran to Sir George Grey. *Copy.* Setting forth further considerations in support of his memorial. p. 265

(2) Spearman to Stephen. *Copy.* Treasury prepared to sanction payment to Cochran of £200 per annum, until he is re-employed. p. 275

Glenelg to Durham. No. 16. *L.S.* Enclosing letter from Treasury respecting expenses incurred as consequence of late insurrection and recommending services of militia and volunteers be dispensed with. Colborne notified. Durham to assist, if necessary, in carrying out recommendation. p. 279

Enclosure:

Spearman to Stephen. *Copy.* Army expenses in suppression of insurrection: £450,636 since January 1, £100,000 which it is presumed is being repaid from Colonial Chest, and \$450,000 remitted from Mexico. Release of militia and volunteers from service. Desires to know whether any part of expenses may not be defrayed from Colonial funds. p. 284

Glenelg to Durham. No. 17. *L.S.* Enclosing correspondence respecting administration of Provincial finances during operation of Act 1 Vic. c. 9. p. 288

Enclosures:

(1) Grey to Spearman. *Copy.* Calling attention to sections 3 & 4 of 1 Vic. c. 9, and asking for statement as to the administration of the provincial finances under the clauses of this act. p. 291

(2) Spearman to Grey. *Copy.* Course to be adopted by Durham in the administration of provincial finances. p. 297

Glenelg to Durham. No. 18. *L.S.* Respecting arrangements for defraying his expenses. Enclosing correspondence with Treasury on subject. p. 311

Enclosures:

(1) Glenelg to Treasury. *Copy.* Stating that Durham's expenses are to be defrayed in same manner as those of special mission. Mr. Murdoch has been appointed Durham's assign. Request arrangements be made in this connection. p. 317

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1838.
Treasury
Chambers,
February 6.
Treasury
Chambers,
April 19.

(2) Spearman to Stephen. *Copy.* Palmerston being asked as to practice in case of special missions to foreign states. Action should be deferred in meantime. p. 321

(3) Spearman to Stephen. *Copy.* Outlining course Durham should take respecting payment of his expenses. p. 325

Sub-enclosures:

1835.
Downing
Street,
April 2.
Treasury
Chambers,
April 8.
Downing
Street,
April 10.
1838,
Downing
Street,
April 21.

(a) Lord Aberdeen to Treasury. *Copy.* Respecting expenses connected with Lord Amherst's special mission to Canada, which is to be treated as if it were a special mission to a foreign state. p. 332

(b) Sir T. F. Fremantle to R. W. Hay. *Copy.* Mode of arranging for payment of Amherst's expenses. p. 335

(c) Hay to Fremantle. *Copy.* On same subject. p. 343

Glenelg to Durham. No. 19. *L.S.* 'Enclosing correspondence with Treasury relative to his establishment; requesting him to credit Government with portion of Provincial revenue and fees ordinarily applicable towards salary of governor and his secretary, which, in his case, will not be drawn. p. 347

Enclosures:

(1) Stephen to Spearman. *Copy.* On foregoing subject. p. 351

(2) Spearman to Stephen. *Copy.* On same subject. p. 354

Downing
Street,
March 31.
Treasury
Chambers,
April 7.
Downing
Street,
April 21.

Glenelg to Durham. No. 20. *L.S.* Transmitting instructions to him as governor of Upper and Lower Canada. These recognize certain instructions to Lord Dalhousie, which have been transcribed with little variation since Conquest, and are in some cases inapplicable and at variance with law. Only those not obnoxious to these objections to be observed. Complete revision impossible until Durham makes his report. Attention drawn to three classes of cases, in which instructions are not conformable to law or practice:—(1) those affecting alienation of Waste Lands; (2) the standing Instructions suppose existence of Constitution of 1791; to this extent they are inapplicable; (3) having been framed before law relieving Roman Catholics from ancient disabilities, they are "in many particulars conceived in a spirit opposed to the principles of religious toleration as now understood and practised." p. 361

Downing
Street,
April 21.

Glenelg to Durham. No. 21. *L.S.* Supplementing instructions in despatches of January 20 (No. 1), and April 3 (No. 8).

Attacks from United States borders, so far successfully repelled; United States Government making every effort to impose check upon them. He must vigilantly watch these disorders, taking care to give no cause for offence to United States Government. Measures being taken in Upper and Lower Canada regarding political prisoners. Colborne has discharged many prisoners, but is holding some more aggravated cases for trial. He was instructed to allow trials of prisoners to take the ordinary course, unless and until it was clearly shown that justice could not be obtained by this means. If this should prove the case, prisoners to be held until Durham's arrival. Policy of Government is, utmost lenity compatible with public safety. To enable Durham to pursue this policy unhampered, he is authorized to grant full pardon in cases of treason. Power to be exercised largely but not entirely without exception. Murder cases to be treated separately. Instructions to Colborne respecting procedure in trials to be followed. "By the verdicts of the ordinary juries the fate of

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the prisoners must be decided" subject to ordinary reservations by the Court, and to exercise of the prerogative in commutation of sentence for a less amount of punishment. "Except in case of murder, capital punishments should be avoided." Transportation, banishment, imprisonment or fine should be sufficient. If quite necessary, laws regarding trials of cases of treason or insurrection may be made, but must not be retrospective. "The most important object of Your Lordship's mission is, however, the settlement of Her Majesty's Dominions in North America on such a basis as may afford the reasonable prospect of an enduring tranquillity under a form of government corresponding in its general principles with that of this Kingdom, so far as such correspondence is compatible with the essential differences which must subsist between the Metropolitan State and its Provincial Dependencies." He is left the widest discretion in considering plans. No system practicable "unless it be adapted to the affections and circumstances of the people whom it professes to benefit". Prime essential of a system is that it shall "practically *work well*". Full discretion allowed in constitution of Special Council. p. 371

Enclosure:

Glenelg to Colborne. *Copy.* Replying to request in despatch (No. 2) of January 24, for decision as to course to be adopted towards political prisoners charged with murder or high treason. Immediate amnesty and discharge of all prisoners, though easiest course, not recommended. Some prisoners should be brought to early trial. Noting opinion of Lower Canadian officers of the law, supported by Colborne, that impartial trial cannot be had before ordinary tribunals in political cases, and that trials should be held by Courts-Martial, Government cannot acquiesce, until failure of ordinary tribunals is established. Government glad to observe release of over two hundred prisoners. Expectation that careful scrutiny will show that other prisoners may be discharged. Number of prisoners should be reduced to those whose offences cannot be overlooked without danger to tranquillity of Province. Even among those held for trial, there may be some who will plead guilty and be willing to withdraw from Province. These might be released on security given. In selecting cases for trial before ordinary tribunals, care should be taken to pick out those against whom evidence is clear, and who are not strongly supported by popular sympathy. If verdicts are rendered on evidence, the other cases may be proceeded with. If not, the others should be detained. Should the law as it stands sanction a special commission to all the judges of Supreme Courts of Province, that course should be adopted. If legal objections exist to this course, they should be removed by legislation. Change of venue not desirable, except perhaps from Montreal to Quebec. No trials must take place for murder. They should be postponed until public excitement has subsided. Should any capital convictions take place for political offences, they must be reserved for consideration of Durham. p. 392

Glenelg to Durham. No. 22. *L.S.* Asking for a report on present state of disputed territory east of Connecticut river; also, of disputed belt lying along 45th parallel from the Connecticut to the St. Lawrence. p. 405

Duplicate of Despatch No. 22. p. 408

Glenelg to Durham. No. 23. *L.S.* Enclosing despatch from Colborne, respecting some arrests made by him for distributing inflam-

Downing
Street,
March 19.

Downing
Street,
April 22.

Downing
Street,
April 23.

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1835. matory papers. Colborne desires indemnity against legal prosecution.
p. 411
- Enclosure:
Extract referred to. p. 413
- Downing Street.
April 25. Glenelg to Durham. No. 24. *L.S.* Respecting offer from Colonel Kirby and officers of Queen's Niagara Fencibles of their permanent services. Declined with appreciation. p. 416
- Downing Street.
April 26. Glenelg to Durham. No. 25. *L.S.* Enclosing despatch from Consul Perrier respecting Papineau, who is expected to seek assistance in Paris for insurgents in Lower Canada. p. 420
- Enclosure:
Perrier to Palmerston. Secret. *Copy.* Information to effect mentioned. p. 422
- Downing Street.
April 27. Glenelg to Durham. No. 26. *L.S.* Acknowledging Colborne's despatch of March 19, (No. 9) and expressing approval of course taken, at suggestion of General Wool, in permitting return of certain refugees. p. 425
- Downing Street.
April 28. Glenelg to Durham. No. 27. *L.S.* Transmitting letter from Sir Augustus D'Este respecting an Indian named La Grasse charged with murder. Durham to have full discretion in dealing with case. p. 428
- Enclosure:
D'Este to Glenelg. *Copy.* Setting forth circumstances of massacre of some Hare Indians, in territory not under control of Hudson's Bay Company. Charges against La Grasse and another half-breed named Cadieu. Character of witness, Jean Baptiste Jourdin. p. 432
- Sub-enclosures:
(a) Statement of La Grasse. *Copy.* p. 438
(b) Statement of John Stuart, chief factor of Hudson's Bay Company. *Copy.* p. 444
- London,
April 4. Glenelg to Durham. No. 28. *L.S.* Expressing Queen's satisfaction with loyal addresses transmitted in Gosford's despatch of February 8, (No. 20). p. 448
- Downing Street,
April 28. Glenelg to Durham. No. 29. *L.S.* Exposing the situation as regards the Clergy Reserves question. Quotation of clauses 36-42 of Constitutional Act of 1791. Land held as Clergy Reserves in Upper Canada, 2,254,668 acres; in Lower Canada, 919,013 acres. Lands for many years practically unsaleable, and an obstacle in way of rising settlements. Act 7 and 8 George IV. c. 62 provided for sale of part of lands, the interest on proceeds to be applied either to improvement of remaining Reserve Lands or to purposes indicated in Constitutional Act. Amount then invested £79,920-15-10 for Upper Canada, and £31,085-2-7 for Lower Canada. Doubts as to beneficiaries. First interpretation of Act identified "Protestant Clergy" with clergy of Church of England. In 1819, Law Officers of Crown gave opinion that Church of Scotland was entitled equally with Church of England, but no other Protestant bodies. This view sanctioned by committee of House of Commons in 1828. After 1829, when revenues became considerable, Church of Scotland pressed claims, but Church of England continued to resist them, while other Protestant bodies, insisting on their right, demanded modification of Act. Lord Ripon in 1831 recommended the Provincial Legislatures to pass acts re-investing the Reserves in Crown. Suggestion not adopted by either Legislature. Objections to Imperial Parliament dealing with subject
- Connaught Square,
May 5.
- Downing Street,
April 29.

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specially delegated by Constitutional Act to Provincial Legislatures.^{1838.} In meantime whole proceeds in Upper Canada have gone to Church of England, and £1,350 have been paid to Church of Scotland from Casual and Territorial Revenue. In Lower Canada £500 paid to Church of Scotland from revenue of Reserves. The arrangement as regards Upper Canada rests on guarantee given in 1834 on reduction of vote to S. P. G. that salaries of English Church clergy should be provided from local revenues. Being insufficient, the excess was thrown on Casual and Territorial Revenue. Amount paid from Casual and Territorial Revenue for 1836 was £2,565. General dissatisfaction expressed with arrangement. Government anxious to have question settled. Durham precluded by Act 1 Vic. c. 9 section 3 from legislating on subject, but matter should be dealt with in report. p. 452

Enclosures:

(1) C. Robinson, R. Gifford and J. S. Copley. *Copy.* Opinion in sense mentioned in foregoing summary. p. 477 ^{1819.} Doctors' Commons. November 15.

(2) Report of the Canada Commissioners (Lord Gosford and Sir George Gipps). *Copy.* The conclusions reached are as follows:—^{1837.} Quebec, January 31.

(a) Pecuniarily, the Reserves have not been and are not likely to become beneficial to Church of England; (b) in all other respects they have been hurtful; (c) participation of Church of Scotland would render Reserves still more disproportionate to their nominal objects and would bring evils of invidiousness on two Churches instead of one; (d) effective cure for evils would be to render Reserves applicable to all sects, which could only be done to advantage by devoting property to purposes of general education. State of higher education. There are 7 collegiate institutions in Lower Canada, 6 Roman Catholic, and one of lay origin (McGill). Persons desiring higher education in English language must go to Great Britain, Eastern Provinces or United States, McGill not being yet in active operation. If Reserves are appropriated to education, a generous grant should be made to McGill. Discussion of a university perhaps premature. It would require, if founded, liberal aid from Legislature. "Should however a time happily arrive when there would appear a prospect of founding such an institution with real efficacy, settling it on the most comprehensive basis, and so that not merely it should be open to all classes, but should truly hold out equal inducements to all to resort to it without distinction or preference, we should think it would be a work in which all might be proud to participate." If established at Quebec, Imperial Government might well give the ancient House of the Jesuits for the purpose. p. 485

(3) Archdeacon G. J. Mountain to Civil Secretary. *Copy.* Setting forth inadequacy of funds derived from Reserves for maintenance of clergy of Church of England, and proposing that Crown shall resume Reserves and sustain Church Establishment on plan indicated by him. p. 521 ^{1835.} Quebec, July 20.

(4) Glenelg to Sir George Arthur. No. 4. *Copy.* On question of Reserves. Hopes for satisfactory settlement. Regrets that question has been complicated by endowment of 57 rectories in 1836. Law Officers' report not yet received. In meantime, view of Upper Canada Assembly that grants under endowment cannot be interfered with, accepted by British Government. Under peculiar circumstances, he proposes that grants be ratified with Legislative declaration that grants give possessors no spiritual or ecclesiastical powers except with ^{1837.} Downing Street, December 26.

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1838. reference to members of Church of England. Objections to having this declaration proceed from Imperial Parliament, instead of local Legislature. Commends scheme provided for religious instruction in Australian Colonies, the general principle of which is that State contributions to different denominations be proportioned to degree of self-help exhibited by members of each. Results in New South Wales very encouraging. Arthur authorized to lay this or any other scheme before Legislature. p. 532
1837. (5) Arthur to Grey. *Copy*. In settling question, necessity of securing to each communion full aid at present afforded to it. Whether aid is rightly apportioned depends on several circumstances, he would not then discuss. Allocation to Church of England clergy part of arrangement under which S.P.G. contributes largely to clergy in New Brunswick. If amount received on sale of lands then in English Funds were invested in Canada, the arrears on sales collected, and lands under lease sold, and proceeds invested in province, there would be ample to meet all claims, while large tracts unsold would be available for religious instruction and education. Accompanies letter by statement showing revenue if his suggestion were adopted, with expenditure for 1836. p. 546
- 1838 (clearly 1837)
Downing Street,
December 29. (6) Grey to Arthur. *Copy*. British Government would gladly concur in any arrangement determined upon by local Legislature. Any interference on part of Imperial Government with a settlement effected by Legislature would be objectionable. Proposal of Arthur seems good one. p. 554
1838.
Downing Street,
April 30. Glenelg to Durham. No. 30. *L.S.* Enclosing memorandum by Andrew Stuart entitled "Heads of Objections to a Federative Union of the Provinces of British North America." p. 561
- London,
April 20. Enclosure:
Document mentioned. *Copy*. p. 564
- Downing Street,
May 1. Glenelg to Durham. No. 31. *L.S.* As requested by address from Legislature of Upper Canada, Commander of Forces has been directed to send officer to make survey of harbour at Port Dalhousie. (Endorsed Captain MacKenzie is officer assigned to this duty). p. 579
- Downing Street,
May 1. Glenelg to Durham. *L.S.* Acknowledging despatches. p. 581
- Wilton Crescent,
May 2. Lord J. Russell, (Home Secretary) to Durham. *A.L.S.* Much agitation about Turton. Impossible that he can be of use to Durham or himself, as matters stand. p. 583
- Downing Street,
May 7. Glenelg to Durham. No. 32. *L.S.* A. W. Cochran's pension of £200 per annum to date from October 1, 1837, when office of Commissioner of Escheats was abolished. p. 587
- Downing Street,
May 10. Glenelg to Durham. No. 33. *L.S.* Expressing concurrence with report of Executive Council of Lower Canada, transmitted with Gosford's despatch (No. 106) respecting claim of Quebec Seminary to exclusive water privileges in front of their property on St. Lawrence. p. 589
- Downing Street,
May 7. Glenelg to Durham. No. 34. *L.S.* Despatch from Lieutenant Governor of Prince Edward Island indicates considerable public excitement on subject of Escheat. Sir Colin Campbell requested to send military assistance to Lieutenant Governor. Enclosing copy of despatch of August 10, 1836, on subject. Legislature at Glenelg's suggestion passed act imposing tax on all lands in colony. Royal

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assent delayed to allow other interests to be heard. Excitement^{1838.} kept alive by a few individuals, who persuade settlers that forfeited lands would be regranted to actual settlers. Government's views on this point same as announced in despatch of 1836. More decided steps necessary than any yet taken to convince settlers of Government's determination to protect property and enforce laws. p. 592

Enclosures:

(1) Glenelg to Sir J. Harvey. *Copy.* Acknowledging despatch^{1836.} of May 5, (No. 13) enclosing address from Prince Edward Island Assembly asking that lands liable to forfeiture be re-invested in Crown. His Majesty directed following answer be given: Evil from which colony suffers is uncultivated state of Island from want of settlers. This was anticipated when Island fell to Crown. Original grantees required on pain of forfeiture to settle lands with Protestants from Europe, (not part of British dominions), or by inhabitants, of at least two years' standing in British colonies in North America. For reasons then unascertainable, conditions remained largely ineffective. In 1802, a local Act was passed enforcing forfeiture, but it was not confirmed. In 1817, two estates, Lots 15 and 55, were re-invested in Crown, but in following year conditions were made easier. In 1832, Legislature passed act for Court of Escheat, which was disallowed. Owing to misapprehension of conditions of Island, the terms of grants could not be fulfilled for reasons mentioned. Forfeiture could not be sanctioned unless Government were satisfied of neglect of proprietors. Government cannot therefore accede to prayer of Assembly. Attention invited to measure in Upper Canada, imposing tax on all granted lands, and when taxes were eight years in arrears, directing sale of lands sufficient to cover arrears. Suggested that Prince Edward Island might try similar plan, but act for that purpose should contain clause for suspension until His Majesty's pleasure should be declared.

Erroneous impression prevailing that lands if forfeited would pass gratuitously to settlers. If forfeiture enforced, Crown would step into place of proprietor, and insist on fulfilment of contracts. p. 599

Duplicate copy of immediately foregoing despatch. p. 611

(2) Sir Charles FitzRoy to Glenelg. (Private and Confidential). *Copy.* Excitement prevailing. Has alluded to subject in address to Legislature. Assembly's reply. Inhabitants aggrieved by apparent neglect of their interests. They believe that land tax recommended by Colonial Secretary was defeated by influence of proprietors. At instigation of one Cooper, a member of the Assembly, much ill-feeling prevails throughout Island, and inhabitants have organized themselves to resist sheriff in enforcing payment of rent. Sympathy with resisters making support of law uncertain; he asks for military assistance. p. 627

(3) Glenelg to FitzRoy. *Copy.* Sir Colin Campbell directed to send two companies to Island, and to pay attention to further requests for assistance. Troops to be employed only in event of resistance to lawful authority, and not to assist in collection of rent. p. 639

Glenelg to Durham. No. 35. *L.S.* On memorial from British American Land Company for relaxation of conditions on which they acquired lands in Lower Canada. Question of mode of paying interest on balance due Government raised by Company, referred to Law Officers. Their opinion herewith. Company pleaded against enforcement of terms of contract, owing to embarrassments of political and

^{1838.}
Government
House,
Prince Edward
Island,
Jan. 30, 1838.

Downing
Street,
April 30.

Downing
Street,
May 9.

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1838. factious nature. Distinction to be drawn between embarrassments due to causes to be foreseen, and to causes not to be foreseen. Only latter to be considered by Government. Among these, hostility of Assembly and political disturbances to be reckoned. Claim for entire remission of interest for 5 years inadmissible.

Suspension for one year of payment of principal and interest allowed. Disappointment of Company, who apply for remission of entire interest. Government cannot accede to this request, but would be prepared to allow the moiety of the payment, which was to be devoted to public works, to be employed in assisting in settling and developing lands belonging to Company. Durham's considered views on subject requested. p. 644

1837.
Temple,
Jan. 30.

Enclosures:

(1) J. Campbell and R. M. Rolfe, Law Officers. *Copy.* Their opinion as to payment of interest. p. 655

1838.
B.A. Land
Company's
Office,
February 3.
April 6.

(2) British American Land Company to Glenelg. *Copy.* Statement of circumstances obliging them to ask for modification of terms of their contract. p. 660

(3) Resolution of Company requesting that they may be granted such relief and protection as would enable them to persevere in the original object of their enterprise. *Copy.* p. 688

Downing
Street,
May 9.

Glenelg to Durham. Confidential. *L.S.* Transmitting list of instances when United States Government have pursued enemies or alleged criminals on neutral territory. p. 693

Enclosure:

Memorandum. (Private). p. 695

Duplicate of immediately foregoing letter. p. 699

Enclosures:

Two copies of memorandum. pp. 701 and 705

Downing
Street,
May 10.

Glenelg to Durham. No. 36. *L.S.* Transmitting for information of Mr. Elzear Bedard, letter from French Consul General, stating why he desired information respecting François Lajus. p. 709

Enclosure:

London,
May 4.

Durant St. André to Stephen. *In French.* *Copy.* Letter mentioned. p. 712

Downing
Street,
May 12.

Glenelg to Durham. No. 37. *L.S.* Enclosing petition from Mrs. Sophia S. Holland, claiming compensation for withdrawal from her grandfather, Major Holland, of grant of land forming part of the gardens of the Castle of St. Lewis, and requesting opinion after investigation. p. 715

Enclosure:

April 10.

Mrs. Sophia Sylvester Holland. *Copy.* Presenting petition mentioned, setting forth the circumstances of the claim. p. 719

Duplicate of Despatch No. 37 with enclosure. p. 726

Downing
Street,
May 14.

Glenelg to Durham. No. 38. *L.S.* Requiring statement of articles in store, which might be used as presents for Indians. p. 738

Downing
Street,
May 15.

Glenelg to Durham. No. 39. *L.S.* Respecting petition of Miss S. A. Gore, daughter of Lieutenant Colonel Gore, for grant of lands. Regrets that for reasons given petition cannot be complied with. p. 740

Downing
Street,
May 17.

Glenelg to Durham. No. 40. *L.S.* Requesting information to enable him to answer an enquiry respecting a certain Thomas Griffith, apparently recently appointed Lieutenant Colonel of third Battalion of Lower Canada Militia. p. 745

SESSIONAL PAPER No. 23

Enclosure:

Samuel L. Bailey to Stephen. *Copy.* Enquiring for information respecting Thomas Griffith, whom he describes. p. 748

Glenelg to Durham. Circular. *L.S.* Transmitting a work by J. Murray of Manchester, on Natural History of Silk Worm, and its introduction into British Colonies. p. 751

Glenelg to Durham. Circular. *L.S.* Enclosing questionnaire on subject of finding employment in colonies for young persons detected in crime, and for whom it is impossible to provide protection in large cities. p. 753

Enclosure:

Questionnaire. p. 755

Glenelg to Durham. No. 41. *L.S.* Transmitting copy of letter from Agent General for Emigration, recommending temporary re-establishment in Lower Canada of tax on immigrants imposed by Provincial Act 6 William IV. c. 13. As act will have expired, Colborne will doubtless have taken steps to continue it. p. 759

Enclosure:

Thos. Fred. Elliot to Stephen. p. 763

Glenelg to Durham. No. 42. *L.S.* Respecting Colborne's confidential despatch of April 7, relating to warrant for apprehension of M. LaFontaine. Owing to LaFontaine's departure from United Kingdom, the matter is of no practical importance, but it is noted that the only document presented was the warrant brought by Mr. Badgley, unaccompanied by any information or specific charges. No action could have been taken on bare warrant in any event. p. 767

Glenelg to Durham. No. 43. *L.S.* Transmitting address from Upper Canada Assembly asking that Parliament pass act determining division of duties collected at Quebec between Upper and Lower, with his answer. Asks views upon this. p. 770

Enclosures:

(1) Address to Queen. *Copy.* p. 773

(2) Glenelg to Arthur. For reasons given, subject could not be brought to attention of Parliament that session. Durham being asked for opinion upon it. p. 774

Glenelg to Durham. No. 44. *L.S.* Acknowledging Gosford's despatch (No. 13) of January 25, respecting boundary between Upper and Lower Canada. Encloses opinion of Law Officers to effect that boundary of Lower Canada extends only to centre of Ottawa river. Has informed Samuel Adams an applicant for 200 acres on Allumette Island that he cannot be allowed special terms. If land applied for should prove to be in Lower Canada, Durham is to enquire into public advantages of Adams' schemes. p. 777

Enclosure:

J. Campbell and R. M. Rolfe, Law Officers, to Glenelg. *Copy.* Opinion referred to, based on Sir Alured Clarke's Proclamation. p. 782

Glenelg to Durham. No. 45. *L.S.* Transmitting copy of address from Upper Canada Assembly with report and resolutions on which it was founded, respecting state of province, and expediency of union with Lower Canada with the answers. p. 785

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1838.

Toronto,
March 12.

Enclosures:

(1) Sir F. B. Head to Glenelg. *In print.* Transmitting address from Legislative Council of Upper Canada, and other papers. p. 789
Sub-enclosures. *In print.*

Committee
Room,
Legislative
Council,
February 13.

(a) Report from the Select Committee of the Legislative Council of Upper Canada, on the state of the province. p. 789

Legislative
Council
Chamber,
March 1.

(b) J. B. Robinson, Speaker, to Head. *In print.* Desiring him to transmit an address from the Legislative Council on the state of the province. p. 837

Legislative
Council
Chamber,
February 28.

(c) Address to the Queen. *In print.*

p. 837

Committee
Room,
House of
Assembly,
February 8.
House of
Commons
Assembly,
February 25.

(2) Report of Committee of the Upper Canada Assembly on political state of the provinces of Upper and Lower Canada. *In print.* p. 843

(3) Allan N. Macnab, Speaker to Queen. *In print.* Submitting to Her Majesty certain resolutions adopted by the House on the subject of union of the two provinces; and a report of a select committee on the political state of the Provinces. p. 868

Sub-enclosure:

Resolutions mentioned. *In print.*

p. 868

Downing
Street,
May 26.

Glenelg to Durham. No. 46. *L.S.* Regret at inability to accede to petition of Mrs. Attrill for pecuniary relief, transmitted by Colborne in despatch (No. 20) of April 2. p. 871

Downing
Street,
May 28.

Glenelg to Durham. No. 47. *L.S.* Respecting temporary continuance of services of Mr. Chesley, a reduced officer of the Indian department. p. 874

Downing
Street,
May 29.

Glenelg to Durham. No. 48. *L.S.* Expressing satisfaction at information contained in Colborne's despatch (No. 34) of April 27, that he had terminated existence of Martial Law in district of Montreal. p. 878

Downing
Street,
May 29.

Glenelg to Durham. No. 49. *L.S.* Respecting appointment by United States Government of Aaron Vail to enquire into cases of American citizens who may be in custody in connection with insurrection. Satisfaction with appointment. p. 881

Downing
Street,
May 29.

Glenelg to Durham. No. 50. *L.S.* Approbation expressed of opening of the session of the Special Council, reported by Colborne in despatch (No. 29) of April 23, and of his intention to propose Ordinance to pay arrears due to judges and other public officers. p. 885

Downing
Street,
May 30.

Glenelg to Durham. No. 51. *L.S.* Approbation expressed of Colborne's course in deferring trial of political prisoners still in custody, until Durham's arrival, reported in despatch (No. 37) of May 2. p. 888

Downing
Street,
May 31.

Glenelg to Durham. No. 52. *L.S.* Respecting confidential letter from Colborne of April 9, enclosing communication from Attorney General with reference to trial of political prisoners. Government adheres to instructions contained in earlier despatches. p. 892

1838.

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Glenelg to Durham. No. 53. *L.S.* Approval of appointment of Mr. Lindsay as provisional clerk of Special Council and of Messrs. Faribault and De Lery as assistant clerks, reported by Colborne in (No. 31) of April 25. p. 1.

Downing
Street,
June 1.

Glenelg to Durham. No. 54. *L.S.* Acknowledging Colborne's despatch (No. 17) of March 30, containing account of action at St. Benoit. Queen deeply laments occasion, but glad to learn that troops were not responsible for excesses at St. Benoit and St. Charles. p. 3

Downing
Street,
June 2.

Glenelg to Durham. No. 55. *L.S.* Transmitting copy of letter from W. R. Ward asking for information respecting Cornelius Ward. p. 7

Downing
Street,
June 2.

Enclosure:

W. R. Ward to Glenelg. *Copy.* Letter mentioned.

p. 10 24 Cambridge
Street,
Connaught
Square,
May 24.

Glenelg to Durham. No. 56. *L.S.* Enclosing copy of communication from British Consul at New York on affairs of Canada. (The communication was addressed to Durham, but sent to Glenelg). p. 13.

Downing
Street,
June 3.

Enclosure:

British Consul at New York to Durham. *Copy.* On the evils of government in Canada. Despite many advantages, Canadians are humiliatingly inferior industrially to those on the other side of border line. Position due to system of government. "The causes of the prolonged mismanagement may be traced to the fact, that all who have access to the Ministers of the Crown, and on whose counsels the Executive Government is compelled to depend are in one way or other connected with the promoters and upholders of that baneful system." Every dweller in Upper Canada convinced that his property would be of double its present value if it was separated from British jurisdiction. Loyalty of present inhabitants will diminish with each succeeding generation. Party exists in each province which has managed to absorb all places of profit and influence, and who distribute all patronage. If they acted less selfishly and more patriotically not a bayonet would be required to maintain Government. They are open in opposition to, and indecent in denunciation of Ministers of Crown. Evils of dominant Church, attended by only fraction of population. Arthur has disappointed friends of permanent tranquillity. Denunciations of Gosford by upholders of system. Violence of this party against clemency of British Government towards misguided men. No person anxious for tranquillity desirous of extending clemency to MacKenzie and his sympathizers. p. 16

April 4.

Glenelg to Durham. No. 57. *L.S.* Orders given for forwarding Indian presents. p. 39

Downing
Street,
June 7.

Glenelg to Durham. *L.S.* Acknowledging despatches. p. 41

Downing
Street,
June 7.

Glenelg to Durham. No. 58. *L.S.* Requesting, in compliance with address of House of Commons, copies of all Acts of Canadian Legislatures in last session for preservation of peace, and trial of persons implicated in insurrection. p. 44

Downing
Street,
June 9.

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1838.
May 8.
Downing
Street,
June 12.
- Enclosure:
Address of House of Commons mentioned. p. 47
Glenelg to Durham. No. 59. *L.S.* Hopes arrival of troops will supersede necessity of maintaining local militia or volunteer forces. p. 50
Munitions should be returned to stores.
- Downing
Street,
June 15.
- Glenelg to Durham. No. 60. *L.S.* Referring to Gosford's despatch (No. 14) of January 26, and Colborne's (No. 10) of March 22, on claims for indemnification for losses incurred through insurrection, and particularly on claim of Mrs. Chartrand, whose husband was murdered by insurgents. Government, while approving of what was done, will not make decision on isolated cases, but will wait until it can frame some general rule. Government will entertain no demands on British Treasury except for articles taken for use of troops. p. 53
- Downing
Street,
June 26.
- Glenelg to Durham. Circular. Transmitting copy of Order-in-Council of February 1, respecting salutes from ships and forts. (Order-in-Council not herewith). p. 58
- Downing
Street,
June 29.
- Glenelg to Durham. No. 61. *L.S.* Enclosing letter from Treasury asking for information relative to a charge in accounts of Commissary General for law expenses incurred in prosecuting one George de Lorimière. p. 60
- Enclosures:
- Audit Office,
May 16.
- (1) Audit Officers to Treasury. *Copy.* Respecting item in Commissary General's accounts. p. 63
- Treasury
Chambers,
June 7.
- (2) Spearman to Stephen. *Copy.* Transmitting foregoing letter from Audit Office, and asking whether Colonial Office has information on subject. p. 66
- Downing
Street,
June 29.
- Glenelg to Durham. Separate. *L.S.* Transmitting papers respecting application of A. W. Cochran for increase of pension allowed; and stating conditions on which increase will be permitted. p. 68
- Enclosures:
- 20 Carlton
Crescent,
Southampton,
May 10.
- (1) Cochran to Grey. *Copy.* Applying for reasons adduced, for increase of pension. p. 72
- Downing
Street,
May 17.
- (2) Stephen to Spearman. *Copy.* Transmitting Cochran's application. p. 77
- Treasury
Chambers,
June 15.
- (3) Spearman to Stephen. *Copy.* Stating conditions on which Cochran and others similarly situated may receive temporarily a sum not exceeding half the salary of the suspended office. p. 79
- Downing
Street,
June 30.
- Glenelg to Durham. No. 62. *L.S.* Enclosing two addresses from the Legislative Council and Assembly of Upper Canada, asking (1) that the surplus Post Office revenues from province be turned over to local Legislature, and (2) that a 2½ per cent ad valorem duty be imposed on all goods entering Lower Canada the proceeds to be applied towards payment of the interest on debt incurred by Upper Canada for public works and improvement of internal communications; also a letter from the Treasury giving its views on requests in addresses. p. 83
- Enclosures:
- Treasury
Chambers,
June 13.
- (1) (Addresses mentioned to be found in G. 39, pp. 59-64).
- (2) Spearman to Stephen. *Copy.* Expressing opinion that these matters can be only satisfactorily settled by arrangement between the two provinces. Durham's attention should be invited to subject. p. 88

SESSIONAL PAPER No. 23

- Glenelg to Durham. No. 63. *L.S.* Acknowledging despatches 1838.
 Nos. 1-4, reporting assumption of government and congratulating
 him on his reception by Canadians. Proclamation meets entire
 approval. Executive Council open to no criticism, except the appoint-
 ment of Mr. Turtton, which is viewed "with surprise and regret." Ex-
 planation awaited. Attention called to debates in House of Lords,
 and to the public press of June 3. p. 92
 Duplicate of Despatch No. 63. p. 98
- Glenelg to Durham. Confidential. *L.S.* Transmitting despatch Downing
 from Minister at Washington on state of United States navy. p. 105 Street,
 July 4.
 Enclosure:
- H. S. Fox to Lord Palmerston. No. 26. *Copy.* Report on the Washington,
 state of the United States navy. p. 108 May 17.
- Sub-enclosures:
- (a) Fox to W. Gray, British Consul at Norfolk. Confidential. Washington,
Copy. Asking for report on U.S. Navy. p. 113 May 9.
- (b) Gray to Fox. *Copy.* Report which was called for. p. 117 Norfolk, Va.,
 May 11.
- Glenelg to Durham. No. 64. *L.S.* Requesting opinion as to
 appointment of W. H. Brehaut as Clerk of the Peace for district
 of Montreal. p. 120
 July 5.
- Glenelg to Durham. No. 65. *L.S.* Captain Henderson of H.M.S.
 "Edinburgh" having employed an express to deliver despatches of
 Durham, is being re-imbursed his expenses. Employment of expresses
 deprecated, unless for special reasons. p. 123
 July 7.
- Glenelg to Durham. Personal. *L.S.* Expressing gratification of
 Government at the "general course and tenor of his conduct." Papers
 moved for by Lord Ellenborough. His Instructions not asked for, nor
 would they be produced. All that will be produced are his Commission
 and the Additional Instruction by which he is authorized to con-
 stitute a Special Council. p. 127
 London,
 July 9.
- Glenelg to Durham. No. 66. *L.S.* Acknowledging despatches Downing
 Nos. 2, 3, 7, reporting destruction of the "Sir Robert Peel" by armed Street,
 party from United States, and of measures taken by him in conse- July 12.
 quence. Fox informed Palmerston of gratifying results of Colonel
 Grey's mission to Washington. Government entirely approve of
 Durham's conduct throughout. p. 130
- Glenelg to Durham. No. 67. *L.S.* Approving of the measures
 taken for defence of frontier. Desires further information as to the
 sufficiency of military forces then in Canada. Two regiments might
 be sent from Nova Scotia by way of re-inforcement, if required. p. 134
 July 13.
- Glenelg to Durham. No. 68. *L.S.* Has had Arthur's despatches Downing
 respecting disposal of political prisoners under consideration. Ap- Street,
 proves of his general views. As it is important that Arthur should July 14.
 act in concert with Durham, he has been directed to send to latter,
 copies of his despatches to the Home Government. p. 141
- Glenelg to Durham. No. 69. *L.S.* Respecting Durham's sug- Downing
 gestion that Act 1 Vic. c. 9 should be amended so as to enable Durham Street,
 with concurrence of Special Council to impose taxes to meet urgent July 15.
 and important services. Not possible to pass such amending act that
 session. p. 144
- Glenelg to Durham. No. 70. *L.S.* Acknowledging despatches Downing
 Nos. 5, 11, & 13. Circular letters to several lieutenant governors and Street,
 Captain Prescott approved. Gratification at cordial spirit shown July 16.
 by Harvey and Arthur. p. 148

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1838.

Downing
Street,
July 17.

Glenelg to Durham. No. 71. *L.S.* Respecting request from Treasury for repayment from Provincial funds of £400 advanced by Colborne to Colonel Gore as secret service money. Durham to enquire whether this amount should be paid by Imperial or Provincial authorities. If, by latter, he will transfer it to Military Chest. p. 152

Downing
Street,
July 18.

Glenelg to Durham. No. 72. *L.S.* Respecting Gosford's despatch No. 3 of January 12, on claims of certain militia-men to participate in indulgence sanctioned respecting "six first battalions of embodied militia" by despatch of June 12, 1836. As this would involve alienation of 1,000,000 acres of land, it requires careful examination. Essential documents, however, wanting. No authority found for Gosford's statement in despatch of April 26, 1837, and in message to Assembly of March 5, respecting promise of Prince Regent previous to 1819 to grant land to embodied militia who had served during late war. Has found that at conclusion of war, land was offered to a number of regular troops, to foreign regiments serving under de Meuron and de Watteville, and as condition of enlistment to Glengarry Fencibles and Canadian Voltigeurs; also, that Duke of Richmond in message to Assembly on April 3, 1819 stated that lands had been set apart for officers and men coming under spirit and meaning of Royal Instructions. But can find no such instructions. It would appear that some misapprehension exists, unless documents may be missing from files. The claim, however, has been recognized both by Imperial and Provincial Governments, and, however unfounded, cannot be disregarded. Government's policy must be governed not by sentiment but by duty owed to public in administration of their lands, and, in absence of pledge to contrary course, cannot sanction a claim involving an improvident and uncompensated alienation of Crown Lands. Durham, unless possessing documentary evidence not on files, or moved by other considerations, is directed to inform claimants of decision to abide by terms of despatch of June 12, 1836 as interpreted by Gosford and himself viz.:—that none but those included in list of officers presented to Assembly on April 19, 1819, and who came within two first classes in Gosford's proposal can be allowed the benefit of it. In the case of all except those mentioned in despatch of June 12, 1836, forfeiture accruing from delay in obtaining Patents, should be enforced. p. 156

Downing
Street,
July 19.

Glenelg to Durham. No. 73. *L.S.* Requesting as desired by House of Commons, a return of appointments made by Durham since his arrival in Canada, with dates and salaries. p. 172

Downing
Street,
July 20.

Glenelg to Durham. No. 74. *L.S.* Respecting remuneration to Ogden, Attorney General of Lower Canada, for services during period of Martial Law. p. 175

Downing
Street,
July 20.

Glenelg to Durham. No. 75. *L.S.* Acknowledging despatch No. 16 of June 23. Gratification at co-operation of United States authorities in preserving peace along border; also, approval of plans adopted for the employment of the land and naval forces. Reminds him of agreement of 1817 fixing the amount of force allowed on the lakes, and sends copies of the notes interchanged between the two countries in that connection. Government considering advisability of terminating or modifying agreement so as to permit of employment of armed vessels for protection of frontier. Commendation for course pursued towards United States, and of discretion of Colonel Grey. p. 179

SESSIONAL PAPER No. 23

Enclosures:

1838.

(1) Sir Charles Bagot to R. Rush. *Two copies.* Stating that the Prince Regent accepts agreement made between them for limitation of armaments on Great Lakes. p. 188

(2) Richard Rush to Bagot. *Copy.* President also accepts agreement. p. 196

Glenelg to Durham. No. 76. *L.S.* Referring to Durham's despatch (No. 6), Admiralty has no steamer of description mentioned to send to St. Lawrence. p. 201

Glenelg to Durham. No. 77. *L.S.* Respecting sentence of death pronounced on a half-breed, Cadieu, for murder in Indian territory. Law Officers doubt validity of sentence and suggest transportation as substitute. p. 204

Enclosure:

Law Officers to Glenelg. *Copy.* Opinion cited. p. 208

Glenelg to Durham. No. 78. *L.S.* Further on subject of repayment to Military Chest of money advanced for Secret Service. p. 212

Glenelg to Durham. Private. *A.L.S.* In consequence of discussion with Bishop of Exeter, has agreed to lay before House:—

(1) Old standing Instructions to Dalhousie; (2) his letter No. 20 of April 21; (3) paragraph in Gosford's commission respecting Rectories omitted from Durham's. These in no way encroach on principle respecting communication of Durham's Instructions. p. 216

Copy of immediately foregoing letter. p. 220

Glenelg to Durham. No. 79. *L.S.* Respecting claim of H. W. Ryland for remuneration on petitions for land of the militia who served in late War. p. 223

Melbourne to Durham. *Extract.* Laid his letter of June 30 before Queen, who was much gratified. Is much obliged for letter to himself, which is "most distinct, clear and satisfactory." Happy to hear that he has settled "the very difficult affair of the Prisoners and settled it so well." Foresees difficulties in Bermuda, where the ordinance has no validity. p. 231

Glenelg to Durham. Private. *Extract.* Expressing pleasure at receiving despatch of June 29 respecting the Prisoners. "The course you have taken is in consonance with the wishes expressed in my communications with you and Sir J. Colborne." Attacks on Ordinance and Proclamation. They are impotent in England. "All reasonable people here approve your conduct. My colleagues and I entirely approve." Though there may be some legal inaccuracies of form, the substance is entirely right. "You have solved a very difficult question most judiciously and ably—in a way at once merciful and just, and equally grateful to rival parties and impartial judges." p. 232

Grey to Durham. *A.L.S.* Attacks on him in House of Lords, by Brougham, Ellenborough and Lyndhurst. In Commons, only slight skirmish. His course is in substance perfectly defensible, and will be understood in the country "as the most lenient and humane which could be justified." In point of form, objections may be raised, to which no complete answer is possible. Difficulties as regards Bermuda. He hopes "the Governor and the Captain of the Vestal between them will settle it until they receive further instructions." All reasonable persons will be satisfied when Ordinance and despatch

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1838. are produced. People in England connected with Canada seem completely satisfied. Notwithstanding constant petty attacks, chiefly in House of Lords, he believes they have failed to make any real impression. p. 235
- Downing Street, August 2. Glenelg to Durham. No. 80. *L.S.* Requesting authenticated copies of Ordinances passed by Colborne, and of any he himself may have passed. p. 247
- Downing Street, August 2. Glenelg to Durham. *L.S.* Acknowledging receipt of despatches. p. 251
- Downing Street, August 3. Glenelg to Durham. No. 81. *L.S.* Requesting certificates desired by French Government respecting certain persons formerly residing at Quebec—certificates of birth of Louis and Marie Flore Perreault; of marriage of Antoine Perreault; of birth of Marie Josephine Lamelin; and of René Brisson. p. 253
- Downing Street, August 4. Glenelg to Durham. No. 82. *L.S.* Approval of movements of troops. p. 257
- Downing Street, August 5. Glenelg to Durham. No. 83. *L.S.* Acknowledging receipt of despatch (No. 18) of June 29, reporting proceedings for disposal of political prisoners. Satisfaction of Government at measures "equally free from the imputation of too great severity or of excessive and ill-considered lenity." Abstains from observations on possible legal objections. p. 260
- Downing Street, August 6. Glenelg to Durham. No. 84. *L.S.* Approval of Commission issued for enquiry as to mode of disposing of Crown Lands. Government fully aware of importance of general and efficient system, in promotion of emigration from Mother Country. p. 264
- Downing Street, August 10. Glenelg to Durham. No. 85. *L.S.* Requesting, at instance of French Government certificate of burial of Henri Masquelez, who died near Montreal in 1834. p. 267
- Downing Street, August 11. Glenelg to Durham. No. 86. *L.S.* Acknowledging, with satisfaction, despatch (No. 23) of July 6, reporting his arrival and reception at Montreal. p. 270
- Downing Street, August 14. Glenelg to Durham. No. 87. *L.S.* Requesting, for submission to House of Lords, certain information connected with the Special Council. p. 273
- August 7. Enclosure:
Address of House of Lords, asking for return respecting Special Council. *Copy.* p. 276
- London, August 14. Glenelg to Durham. Private. *L.S.* Warm proceedings in House of Lords respecting Ordinance of June 28. Law Officers report opinion that the part relating to Bermuda invalid. Government compelled to agree to its disallowance. Account of proceedings respecting bill relating thereto. Discussion in Commons that evening. Official announcement to Durham will follow. Extreme reluctance of Government to acquiesce in course events have taken. Proceedings calculated to injure best interests in Canada. Hopes that Durham will not be much moved by proceedings, and does not believe they will affect his well-merited popularity in North America. Government determined to give him every support in their power. p. 279
- Downing Street, August 15. Glenelg to Durham. No. 88. *L.S.* Respecting the establishment of a table of fees for Vice-Admiralty Court. p. 283
- Downing Street, June 12. Enclosures:
(1) Stephen to Spearman. *Copy.* Respecting the Fees of the Vice-Admiralty Court. p. 351

SESSIONAL PAPER No. 23

(2) Spearman to Stephen. *Copy.* Transmitting copy of report from Wm. Rothery on subject. p. 359

1838.
Treasury
Chambers,
July 11.

(3) Stephen to Spearman. *Copy.* Objecting to proposals of Treasury on subject, and submitting others. p. 288

Downing
Street,
March 3.

(4) Spearman to Stephen. *Copy.* Accepting Colonial Office suggestion that enquiries be made of Judge of Court and others interested in Canadian trade, before matter decided. p. 300

Treasury
Chambers,
May 7.

Sub-enclosure:

Report of Wm. Rothery.

p. 310

Stratford
Place,
April 19.

Glenelg to Durham. Personal. *L.S.* As Cochran is returning to Canada, Durham is requested to find him employment, if possible. Not possible to increase his pension. p. 363

Downing
Street,
August 18.

Glenelg to Durham. No. 89. *L.S.* Enclosing copy of opinion of Law Officers, on Ordinance for providing "for the security of the Province of Lower Canada." In their opinion, only part legally objectionable is that relating to treatment of prisoners beyond limits of province. Weighty opinion in House of Lords held whole Ordinance as ultra vires, but this extreme view not sanctioned in either House. More serious popular objections raised against the part subjecting refugees returning without permission to capital punishment. Government recognizing Durham's difficulties would have been content to allow this to stand, feeling assured that no act of needless severity or substantial injustice would have had his sanction. Question taken out of hands of Government by bill introduced in Lords, to declare Special Council's powers to be so narrowly restricted that the Ordinance was quite ultra vires, and to provide indemnity for all acts done under it. In spite of opposition of Government, bill received second reading, and Government, in view of partial illegality of Ordinance, and consequent difficulties in defending it, decided to advise disallowance. The bill was amended by omission of parts restricting powers of Special Council, and confining indemnity to acts done under admittedly illegal parts. The bill as amended passed both Houses. Government fears action of Parliament has enhanced Durham's difficulties, but, on other hand, the numerous strong expressions of confidence in Durham's administration, have strengthened his hands. Government determined in spite of disallowance that Bermuda exiles shall not return to Canada without permission. Suggests Ordinance subjecting exiles returning, to any punishment short of death and a proclamation that refugees returning will undergo trial for treason; also, continuance of suspension of Habeas Corpus. Indispensable that Suspension Act and Proclamation of disallowance be published simultaneously, to avoid unfairness to exiles or refugees. Government does not desire to fetter discretion of Durham in dealing with these matters; no course open to him free from objections. It is assumed that no action has been taken under Ordinance for attainer of persons indicted for treason and who have avoided trial. Matter within Durham's discretion. Object to be attained not so much severe punishment as exclusion of agitators from Province, and prevention of their interference in its affairs. Government deeply regretted embarrassment to which Durham has been subjected; and approved heartily of the spirit in which those measures were conceived, and were convinced that they "were calculated under your authority to satisfy the ends of justice, although in some respects they involved a

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1836.

departure from its ordinary forms." Assurances given of undiminished confidence, and of earnest desire to afford him utmost support.
p. 367

Enclosures:

Temple,
August 6.

(1) Campbell and Rolfe, Law Officers. *Copy*. Replying to letter of August 4. Ordinance within powers of Governor and Special Council, except part regarding Bermuda exiles. Act 1 Vic. c. 9. s. 2. gives Governor and Special Council all powers of Legislature of Lower Canada, with certain exceptions which do not apply here. Act 31 Geo. III c. 31 confers on Legislature of Lower Canada general sovereign power within province. Respecting part of Ordinance to be executed beyond provincial limits, it would acquire no force by being confirmed by Her Majesty.
p. 386

Another copy of the same.
p. 392

(2) Two copies of Act 1 & 2 Vic. Cap. CXII, for indemnifying those who have issued or acted under certain parts of a certain Ordinance made under colour of an Act passed in the present Session of Parliament, intituled "An Act to make temporary Provision for the Government of Lower Canada." *In print*.
p. 398

Confidential Memorandum. Contains the parts of despatch (No. 89) announcing disallowance, and fears of embarrassment which it may cause Durham, and regrets.
p. 402

Downing
Street,
August 19.

Glenelg to Durham. No. 90. *L.S.* Refusing application from William Evans of Montreal for grant of land.
p. 403

Downing
Street,
August 21.

Glenelg to Durham. No. 91. *L.S.* Asking at instance of House of Commons for certain returns respecting persons convicted of treason in Upper Canada.
p. 406

Enclosure:

August 13.

Address from House of Commons, referred to.
p. 409

Downing
Street,
August 22.

Glenelg to Durham. No. 92. *L.S.* Acknowledging despatch (No. 20) of July 20, with petition from St. Andrew's Church, Quebec, which urged grant to Anglican Bishop of Montreal, as ground for application for salary formerly granted to pastor of St. Andrew's Church. Explains special circumstances in case of Bishop of Montreal, whose income was largely reduced by death of Bishop of Quebec. It is understood that this grant will be withdrawn when sufficient local funds available. Refers to his despatch (No. 29) of April 29, and expresses hope that Durham may find some satisfactory solution of difficulty.
p. 412

Downing
Street,
August 22.

Glenelg to Durham. No. 93. *L.S.* Respecting the Indians. Attention directed to despatches noted in margin as indicating general views and specific instructions given. Gosford's despatch (No. 71) of July 13, 1837, transmitting Report of Committee of Executive Council, reached him in September, but necessary delays and insurrectionary troubles prevented action until present. Durham to realize the importance of subject. "There is not one of graver importance in itself or involving obligations of a deeper or more enduring character." Report of Committee of Executive Council leaves little to be desired. Durham authorized to carry proposals therein into effect. The recommendation regarding the substitution of European mode of dress for native costumes approved; to be carried into effect without violence to feelings or prejudices of people. Practice of giving trinkets as presents to be abandoned. Agricultural implements to be substituted. Desires to know if recommendations as to wandering Indians have been carried out, and if they have evinced any intention

To Gosford.
No. 39
Jan. 14, 1836.
No. 180
Feb. 20, 1837.
To Head.
No. 12
Jan. 14, 1836.
No. 44
Mar. 31, 1836.
No. 131
Jan. 20, 1837.
No. 145
Feb. 20, 1837.
No. 156
Apr. 4, 1837.
No. 228
Sep. 4, 1837.

SESSIONAL PAPER No. 23

of settling. Objections to commuting presents for money decisive. ^{1838.}

Condition of education not creditable to British rule. Under French rule, this was carried on by Jesuit missionaries, "a class of men of whom it must be admitted that, whatever may have been their delinquencies in the Old World, they have in the New been known chiefly as the protectors and civilizers of a Race forsaken as trampled upon by all beside." Their example must be emulated. Durham to give attention to establishing schools for rudimentary education, combined with instruction in agriculture and some handicrafts. Report of Committee encouraging as to possibility of civilizing Indians. Desires to learn of progress in Agricultural School and Farm of P. Christie, and whether reports have been made as to other suitable places for similar institutions. Agrees with conclusion of Committee as to desirability of compact settlements, though liberty to be given to those preferring locations elsewhere. These latter to have presents in form of agricultural implements. Special attention invited to recommendations respecting separate tribes. This will be the easier, on account of Gosford's directions that tracts reserved for Indians or necessary as augmentations are not to be disposed of without express authority. Iroquois, Algonquin and Nipissing tribes, who are without land should have reserves assigned to them. Difficulty of question as to how reserves should be secured to Indians. Cultivation in Upper Canada somewhat retarded by want of legal title. Saleable titles objectionable as exposing Indians to frauds. As a solution, Arthur was directed, if insuperable objections did not appear, to cause title deeds to be drawn up and recorded in office of Commissioner of Crown Lands, where they might be seen by any person deputed thereto by Indians. If Indians desired to dispose of lands, Government would consider their applications. Similar course suggested for Lower Canada Indians lands. As regard Reserves, these must be inalienable except by consent of Executive, who should, also, be empowered, in event of non-cultivation, to remove them to remoter districts as settlement advances. If cultivated, reserves might be contracted to limits providing means of procuring adequate and comfortable subsistence. Recommendation that garden lots be granted to Lorette Indians approved. Periodical reports on condition of Indians required, and any suggestions which may occur to Durham on improvement. Appalling statement of Committee that the average number of children living does not exceed five for each four families, while average among whites is four for each marriage. Urges fact on Durham as motive for special exertions on his part. In general, the concerns of the Indians must continue under care and superintendence of Crown, until circumstances make it expedient to turn them over to Provincial Legislature. As regards money appropriated to Indian affairs, the Parliamentary grant should not, in general, be exceeded. But no real interest of Indians should be sacrificed or improvement deferred merely on ground of expense. Excess expenditure due to these causes might be drawn from Provincial Revenues, including Crown Revenues. Regrets that, in proposals to Provincial Legislatures, for cession of Crown Revenues for fixed Civil List, same stipulation was not made on behalf of Indians. In cases like those of Upper and Lower Canada, where subject still open, some provision for Indians might be made. Even where this is too late, appeal might be made to justice and liberality of Legislatures. This spirit should also be invoked in dealing with lands. Where it is necessary to depart from rules as to disposal of lands, this should be done. p. 419

To Arthur.
No. 23
Feb. 21, 1838.
No. 46
Mar. 28, 1838.
No. 50
Apr. 2, 1838.
Aug. 22, 1838.

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1838.

Glenelg to Durham. *L.S.* Acknowledging despatches. p. 450Downing
Street,
August 22,

Glenelg to Durham. Note enclosing duplicate to be substituted for original of despatch (No. 89) of 18th August. p. 452

Downing
Street,
August 23.

Glenelg to Durham. No. 94. *L.S.* Acknowledging despatches (Nos. 24-28) containing report of Durham's visit to Upper Canada. Gratification of Her Majesty at cordiality of reception, mentioning particularly good will of American officers and gentlemen with whom he came in contact. His views on importance of completing water communications to receive serious attention. House of Commons difficult to deal with, in view of earlier expenditures. Instruction to employ engineer belonging to Ordnance to make thorough survey of Welland canal and other ways connecting Lake Erie with Atlantic Ocean, and to report his findings. Government will not pledge itself, however, to any action on subject. p. 454

Downing
Street,
August 23.

Glenelg to Durham. Personal. *L.S.* Respecting employment of Cochran, recommended in letter of August 18. p. 461

Downing
Street,
August 27.

Glenelg to Durham. No. 95. *L.S.* Acknowledging despatch (No. 22), with request of Mr. Kerr, to have his case reconsidered. Sees no grounds for same. p. 464

Downing
Street,
August 28.

Glenelg to Durham. No. 96. *L.S.* Respecting application of Literary and Historical Society of Quebec for copies of some documents relating to history of Canada. Owing to certain objections, it would be inexpedient to furnish such copies. p. 468

Downing
Street,
August 29.

Glenelg to Durham. No. 97. *L.S.* Enclosing copies of correspondence with British American Land Company relative to application to promotion of emigration to their lands of that moiety of their purchase money, hitherto applied to general provincial purposes. p. 472

Enclosures:

B.A. Land
Co.'s Office,
London,
June 23.

(1) Henry P. Bruyeres to Glenelg. *Copy.* Pressing demands made on Company for means to sustain improvements in Eastern Townships. Desires to know how far Government will go in abatement of terms of agreement of 1833. Emigration still prejudiced by unsettled political conditions in Lower Canada. Desirability of thoroughly loyal population on United States frontier. Company submit that, interest being remitted, they may be allowed to spend the annual payment of £6,000 they are under engagement to make, in preparation of their lands for settlers. Anticipation that, with this concession, a loyal Highland population may be placed in district. The Highland Destitution Committees of Edinburgh and Glasgow, and several wealthy land-owners in Scotland prepared to assist. p. 475

Downing
Street,
August 15.

(2) Grey to Bruyeres. *Copy.* As regards remission of interest, Government adhere to decision already communicated. The question of appropriating the £6,000 annual instalment is held in abeyance until Durham's report on matter is received. No pledge can be given on subject. p. 482

B.A. Land
Company's
Office,
August 17.

(3) Bruyeres to Grey. *Copy.* Company preparing details of proposition respecting the moiety of purchase money. Financial obligations make necessary a call on proprietors. Only hope of inducing them to make further payments is in assurance, that Government will concede what they ask. p. 486

Downing
Street,
August 23.

(4) Stephen to Bruyeres. *Copy.* No difficulty anticipated as to desired appropriation, but final decision deferred until receipt of Durham's report. p. 490

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- (5) Bruyeres to Grey. *Copy*. While awaiting final decision, he submits a plan for the division and partial clearing of portion of territory, and erection of log house on each lot. p. 494
 Duplicate of Despatch No. 97. p. 498
 Copy of letter from Bruyeres to Glenelg of June 23. p. 500
 Copy of letter from Grey to Bruyeres of August 15. p. 508
 Copy of letter from Bruyeres to Grey of August 17. p. 512
 Copy of letter from Stephen to Bruyeres of August 23. p. 517
 Copy of letter from Bruyeres to Grey of August 27. p. 521
 Glenelg to Durham. No. 98. *L.S.* Furnishing introduction to Mr. W. Badgley. p. 527
 Glenelg to Durham. No. 99. *L.S.* Respecting large requisitions for arms. Necessity of preventing wasteful distribution. p. 530
 Glenelg to Durham. Confidential. *L.S.* Enclosing copy of despatch from British Consul at Portland, Maine, respecting projected fortifications and military posts in State of Maine. p. 533
 Enclosure:
 Jos. P. Sherwood to John Bidwell. *Copy*. Account of measures taken for erection of fortifications and military posts in Maine. p. 535
 Glenelg to Durham. No. 100. *L.S.* Enclosing letter from Messrs. Gillespie and Gould with an address respecting Durham's work in Canada. Great satisfaction of Government at testimony to value of Durham's services. Hope that expressions of confidence and esteem in address will counteract influence of proceedings in England. p. 539
 Enclosure:
 R. Gillespie and N. Gould to Lord Melbourne. *Copy*. Enclosing an address from parties "deeply interested in the North American Colonies," and asking that it may be forwarded to Durham. p. 543
 Sub-enclosure:
 The North American Colonial Association to Melbourne. Exploring the recent proceedings in Parliament respecting Durham, and expressing "the fullest confidence in the wisdom, impartiality and lenity of His Excellency". If he exceeded his powers it was that he might save the lives of traitors. His successful journey in Upper Canada. Any change in administration would be viewed with terror and dismay. p. 546
 Glenelg to Durham. No. 101. *L.S.* Detailing movements of certain regiments. p. 554
 Glenelg to Durham. No. 102. *L.S.* Authorizing him to conclude agreement with British American Land Company in accordance with terms recommended by him. p. 557
 Duplicate of Despatch No. 102. p. 561
 Glenelg to Durham. No. 103. *L.S.* Submitting for his consideration and report certain papers relating to the question of Escheat in Prince Edward Island. p. 565
 Enclosures:
 (1) An Act for levying an Assessment on all lands in the Island. Cap. XXXI. p. 19
 (2) Memorial of Proprietors, agreed on at the monthly meeting of the association held at 94 Great Russell Street, on August 30, 1837, protesting against the confirmation of the foregoing. p. 571
 (3) Mr. Hill's Observations on the same act. This is a detailed criticism of each section of the act. p. 605

1838.

B.A. Land
Company's
Office,
August 27.Downing
Street,
August 30.Downing
Street,
August 31.Downing
Street,
August 31.British
Consulate,
Portland,
July 28.Downing
Street,
September 1.London,
August 24.London,
August 22.Downing
Street,
September 3.Downing
Street,
September 4.Downing
Street,
September 5.1837.
April 20.

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1833.

House of
Assembly,
April 6.

(4) Memorial from the two Houses of the Legislature submitting their report on the foregoing memoranda of the Proprietors, and requesting that he will point out to the Government in England the importance of a speedy settlement. p. 643

Council
Chamber,
April 6.
Committee
Room,
April 2.
Downing
Street,
March 16.

(5) Report of Joint Committee of Council and Assembly upon the Lieutenant Governor's message of January 29, containing a reply to the strictures of the Proprietors. *In print.* p. 647

(6) Glenelg to FitzRoy. *Copy.* Enclosing letter from Mr. George R. Young, the legal representative of several of the proprietors, with certain proposals. Whole question is one between proprietary bodies and tenantry, in which Government cannot interfere with authority. At same time, circumstances seem to justify interposition: the appeals of the people, the fact that lieutenant governors have undertaken to mediate, and the menace to public peace. Proposals seem worthy of attention. While endeavouring to effect an amicable settlement, he must not involve the Government in improper responsibilities. p. 670

23 Sackville
Street,
January 29.
London,
January 27.

(7) Young to Glenelg. *Copy.* Enclosing terms agreed upon by proprietors for sale and settlement of their land. p. 676

London,
January 27.

(8) Memorandum signed by A. Colville, executor for Earl of Selkirk and other proprietors, explanatory of the system pursued in management of their property in Prince Edward Island. p. 680

Downing
Street,
September 6.

(9) Proposed terms for conducting sales of land in Prince Edward Island. p. 694

September 6.

Glenelg to Durham. No. 104. *L.S.* Enclosing copy of despatch addressed to Governor of Bermuda, respecting exiles. p. 712

Enclosure:

Downing
Street,
September 10.

Glenelg to Sir S. Chapman. *Copy.* Reciting proceedings respecting exiles, the disallowance of Ordinance, and Act of Indemnity. Exiles must be freed from restraint, but they should be informed that Government approved of spirit and object of Durham's measure. p. 714

Duplicate of despatch No. 104. p. 720

Glenelg to Durham. No. 105. *L.S.* Certain military stores being shipped to Quebec. p. 723

Downing
Street,
September 11.

Duplicate of Despatch No. 105. p. 725

Glenelg to Durham. Secret and confidential. *L.S.* His secret and confidential despatch of August 9 considered with deepest interest by himself and colleagues. They have fullest confidence in his wisdom and ability. While reserving exercise of their own judgment on his recommendations, they will not shrink from recommending to Parliament the measures that appear calculated to secure permanent interests of colonies. p. 728

Downing
Street,
September 15.

Glenelg to Durham. No. 106. *L.S.* Transmitting despatch from Governor of Bermuda respecting exiles, and answer. p. 732

The Bermudas,
July 29.

Enclosures:

(1) Chapman to Glenelg. *Copy.* Account of circumstances relating to arrival of exiles. Despatch from Durham. Sir Charles Paget sent him a paper signed by exiles, promising on parole of honor not to attempt to escape either from "Vestal" or from the Bermudas. Durham and Paget concur in belief that they may be depended on. His own embarrassments. Legal advisers of opinion that exiles cannot legally be detained. Many opportunities exist for escape. Undesirable that strangers should inform themselves as to the defensive system. Anxious to be helpful to Durham, he accepted advice of his Council to allow individuals to land on their giving a

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pledge not to travel beyond certain prescribed limits. Pledge given, 1838.
and exiles landed at Hamilton. Hopes they may be removed at
earliest moment expedient. p. 734

Sub-enclosures:

(a) Extract from Minutes of Proceedings of Privy Council of
Bermuda, on July 25, 26, 27. *Copy.* p. 744

(b) Ordinance of Lower Canada, 2 Vic. cap. 1. *Copy.* p. 748

(c) Durham's Proclamation of June 28. *Copy.* p. 763

(d) Paget to Chapman. Private. Explaining circumstances. "Cornwallis,"
Exiles sent to Bermuda on "a kind of parole," which they have every June 29.
interest in observing. p. 770

(e) Paget to Chapman. Enclosing at Durham's instance, "Cornwallis,"
declaration of exiles. p. 772 July 3.

(f) Durham to Paget. Confidential. Enclosing declaration, and
asking that it be sent to Governor of Bermuda "to induce him to be Quebec,
lenient in his regulations respecting the prisoners." p. 773 July 3.

(g) Declaration signed by the eight exiles that "we will not H.M. Frigate
escape or attempt to escape from the vessel of war on board of which "Vestal"
we now are, nor after our arrival, and during our residence in the July 3.
Island of Bermuda whither we are going." p. 774

(h) J. H. Darrell, Attorney General, and D. Stewart, Solicitor Hamilton,
General. Their opinion on case submitted. p. 776 July 26.

(i) Declaration by exiles that they would not travel beyond H.M. Frigate,
prescribed limits. p. 786 "Vestal,"
July 28.

(2) Glenelg to Chapman. *Copy.* Acknowledging despatch of Downing
July 29, and expressing satisfaction at measures taken by Governor. Street,
September 15.
p. 789

Duplicate of despatch No. 106.

Copy of despatch. Chapman to Glenelg, July 29. p. 795

Copy of despatch. Glenelg to Chapman, September 15. p. 807

Glenelg to Durham. No. 107. *L.S.* Requesting at desire of
French Government, information as to fate of M. Courcambeck. Downing
Street,
September 22.
p. 810

Glenelg to Durham. No. 108. *L.S.* Enclosing letter from
Captain Bagot asking to be re-imbursed his outlay in carrying des- Downing
patches from Quebec to London, and asking explanations. p. 812 Street,
September 26.

Enclosures:

(1) Captain H. Bagot to Glenelg. *Copy.* Letter mentioned. Cuddesden
Palace,
September 7.
p. 815

(2) Captain H. Bagot to Grey. *Copy.* On same subject. Cuddesden
Palace,
September 21.
p. 818

Glenelg to Durham. No. 109. *L.S.* Enclosing copies of two
letters from A. G. Douglas respecting a claim. Downing
Street,
September 23.
p. 822

Enclosure:

Douglas to Glenelg. Renewing a claim on Government of Lower La Britte,
Canada, the particulars of which are not clear. pp. 825 & 828 August 21,
September 23.

Glenelg to Durham. Private and confidential. *A.L.S.* Acknow-
ledging despatches up to August 25, and confidential letter of August London,
25 for which he gives thanks. Regrets Arthur's deviation from course September 29.
hitherto pursued, and deprecates notion that Arthur's conduct was
influenced by debates in Lords. Earnest hope that motive which pre-
vented Durham from resigning will still prevail, that is, "the interest
in the Provinces". Asks for Durham's appreciation of difficulties of
Government, and assures him of every support possible. p. 833

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1838.
Downing
Street,
October 5.
Downing
Street,
October 10.
Downing
Street,
October 12.
- Glenelg to Durham. No. 110. *L.S.* Acknowledging despatch (No. 45) on remuneration of officers of Vice-Admiralty Court at Quebec. Refers him to despatch (No. 88) of August 15. p. 837
- Glenelg to Durham. No. 111. *L.S.* Acknowledging despatch (No. 41) containing report from Colborne on state of Upper Canada. Expresses gratification. p. 840
- Glenelg to Durham. No. 112. *L.S.* Enclosing copy of memorandum, which he sent to Gosford in despatch (No. 190) of March 15, 1837, containing suggestions for diminishing desertions from troops stationed in Canada, and requesting him to consider, in concert with Commander of Forces, a proposition to raise a local corps from regiments of the line on terms stated in memorandum. p. 842
- Enclosure:
Memorandum mentioned. p. 845
- Downing
Street,
October 13.
- Glenelg to Durham. No. 113. *L.S.* Acknowledging despatch (No. 43) of August 13, bearing testimony to valuable services of Sir Charles Paget. Expresses much satisfaction. p. 859
- Downing
Street,
October 14.
- Glenelg to Durham. No. 114. *L.S.* Acknowledging despatch (No. 44) with address from officers of Presbyterian Church of Cobourg in connection with Church of Scotland complaining as to erection of 57 rectories of Church of England; and asserting right of Church of Scotland to participate in Clergy Reserves. For reasons given, Government regards rectories incident as closed. Hopes for satisfactory settlement of Clergy Reserves. p. 862
- Downing
Street,
October 15.
- Glenelg to Durham. No. 115. *L.S.* Enclosing memorial from various merchants at Liverpool and Poole, respecting political affairs in Newfoundland, together with answer. p. 866
- Enclosures:
(1) Glenelg to Prescott, Governor of Newfoundland. *Copy.* Enclosing copy of memorial from merchants in Liverpool, asking that additional troops be sent to Newfoundland for the protection of property and preservation of public peace. Has not gathered from Prescott's despatches that this was necessary, but in case of need he may apply to Sir Colin Campbell at Halifax. p. 869
- Liverpool.
- (2) Memorial signed by W. Tarbet and 18 others, representing that political disturbances in Newfoundland have reached such a height as to jeopardize property and public peace, and asking that measures be taken to allay political feeling and that additional troops be sent out. p. 873
- Downing
Street,
October 4.
- (3) Grey to J. H. Brooking and J. Christophers. Acknowledging letter of September 25, transmitting foregoing memorial, and stating that it has been sent to governor with necessary instructions. p. 879
- Poole,
October 5.
- (4) Memorial signed by Fryer, Fosse and Pack, and 53 others, in same sense as earlier memorial, also, suggesting changes in electoral franchise. p. 882
- Downing
Street,
October 15.
- (5) Grey to Brooking. *Copy.* Trusts measures already taken will provide efficacious remedy. Elective Franchise could not be changed except under authority of Parliament. p. 886
- Downing
Street,
October 16.
- Glenelg to Durham. No. 116. *L.S.* Enclosing letter from Treasury respecting certain ordinances of a financial nature. Ordinance authorizing banks to suspend specie payments allowed, but on clear understanding that all payments of dividends or other distribution of profits shall be suspended during period of suspension of specie payments. Ordinance respecting Bank of British North America objec-

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tionable and should be repealed by another ordinance on lines suggested by Treasury. 1838.
p. 889

Enclosure:

Spearman to Stephen. *Copy.* Ordinances appropriating monies "for the encouragement of Education", "for the support of Charitable Institutions", and "for the encouragement of Agriculture" unobjectionable. Permission to suspend Specie Payments allowed on condition noted in Glenelg's letter. As regards ordinance respecting Bank of British North America, Treasury would not object to part empowering Company to sue or be sued within province in name of local directors or managers. But Treasury would not assent to further issue of notes of so low a denomination as 5 shillings nor to enactment of very severe penalties for embezzlement or forgery. Ordinance shall be disallowed. Treasury
Chambers,
September 21.

p. 894

Glenelg to Durham. No. 117. *L.S.* Enclosing letter from Samuel Fisher, Solicitor, asking for assistance in apprehending an absconding bankrupt. Downing
Street,
October 18.

p. 900

Enclosure:

Fisher to Glenelg. p. 903 25 Bucklers-
bury,
October 18.

Glenelg to Durham. No. 118. *L.S.* Acknowledging despatches, including that announcing his resignation. Lack of time prevents him from saying more than that despatches will be laid before Her Majesty. Government "recognize the zeal for the public good, and for Her Majesty's service by which Your Lordship is habitually actuated" in assurance that he will not leave his work incomplete. Downing
Street,
October 19.

p. 908

Glenelg to Durham. No. 119. *L.S.* Enclosing copies of correspondence with Lieutenant Governor of Nova Scotia respecting the Post Office. Present arrangements recognized to be unsatisfactory. Parliament passed act in 1834, empowering colonies to alter rates and make regulations. For guidance of colonies, General Post Office prepared draft act for submission to local legislatures. Colonies failed to unite on general scheme. Durham's assistance invited. Downing
Street,
October 20.

p. 913

Enclosures:

(1) Campbell to Glenelg. *Extract.* Enclosing copy of resolution of House of Assembly, and of report of committee to whom Glenelg's despatch (No. 98) of September 29, 1837, was referred. Halifax,
July 4.

p. 919

(2) An Act for regulating the Internal Postage of this Province. (Passed April 17, 1838). p. 921

(3) Extract from Report of Colonial Attorney General. p. 928

(4) Report on Glenelg's despatch of September 29, 1837. p. 931 Committee
Room,
April 9.

(5) Resolution that committee be appointed to wait on Lieutenant Governor with report and bill adopted by Legislature. House of
Assembly,
April 14.

p. 942a

(6) Glenelg to Campbell. Enclosing copies of correspondence with General Post Office respecting Act of April 17. Serious objections to confirmation of Act. Most conclusive objection is that it might prove obstacle to a general scheme including all the colonies. Act disallowed. Downing
Street,
October 16.

p. 943

Sub-enclosures:

(a) Stephen to Maberly, Secretary, G.P.O. Enclosing for consideration, Post Office Act of Nova Scotia. Downing
Street,
September 17.

p. 948

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1838.
General Post
Office,
October 2.

(b) Maberly to Stephen. Nova Scotia Act quite at variance with principle upon which Imperial Act of 1834 was framed. Act of 1834 was designed to secure uniformity, and to provide for uninterrupted communications between interior provinces and countries beyond Atlantic. Nova Scotia Act would virtually put control of all such communications in hands of that province. Other objections which need not be mentioned in view of first. Enclosing copy of letter from Secretary of Post Office of July 30, 1834. p. 951

General Post
Office,
July 30.

(c) Freeling, Secretary, G.P.O., to J. Lefevre. Transmitting copy of bill "for the management and regulation of the Post Office in Upper Canada," drafted in consequence of Imperial Act of 1834; and suggesting that copies be sent to Legislatures of Upper and Lower Canada, New Brunswick, Nova Scotia and Prince Edward Island. (A copy of this draft bill can be found in Appendix 8 to the Journals of the Assembly of Upper Canada for 1835). p. 959

Downing
Street,
October 21.

Glenelg to Durham. No. 120. *L.S.* Acknowledging despatch (No. 40) of August 11, reporting outrage committed by American fishing schooner on British vessel off coast of Prince Edward Island. Measures taken approved. Palmerston has case in hand. p. 967

Downing
Street,
October 22.

Glenelg to Durham. No. 121. *L.S.* Acknowledging despatch (No. 58) of September 13, reporting arrival at Quebec of delegations from Nova Scotia and Prince Edward Island. Approval expressed. p. 970

Downing
Street,
October 23.

Glenelg to Durham. No. 122. *L.S.* Acknowledging despatch (No. 47) of August 25, transmitting correspondence with Arthur respecting certain convictions for high treason in Upper Canada. Regret expressed for misunderstanding indicated therein. Full concurrence with Durham's views, and satisfaction at Arthur's resolution to act in accordance with those views. p. 973

Downing
Street,
October 24.

Glenelg to Durham. No. 123. *L.S.* Enclosing Circular Despatch addressed to all lieutenant governors, respecting substitution of steam for sailing vessels, for conveyance of mails; and requesting that every assistance be given to improving line of communication between Quebec and Halifax. p. 976

Enclosure:

Downing
Street,
October 24.

Glenelg to Arthur. Circular. *Copy.* Decision of Government to employ steam instead of sailing vessels for conveyance of mails. Tenders being invited. Expectation that new service will commence in spring of 1839. Directions being given for improvement of communication between Quebec and Halifax. Co-operation of local legislatures necessary for improvement of mail routes and other things. p. 978

Downing
Street,
October 25.

Glenelg to Durham. No. 124. *L.S.* Transmitting warrant for W. H. Brehaut as Clerk of the Peace for Montreal District. p. 985

Downing
Street,
October 25.

Glenelg to Durham. Separate. *L.S.* Admiralty has arranged for conveyance of Durham and suite to England, by the "Hercules." p. 987

Downing
Street,
October 26.

Glenelg to Durham. No. 125. *L.S.* Acknowledging despatches (Nos. 31 and 70) respecting constitution of Court of Appeal for Lower Canada. Law Officers report opinion that every member of Executive Council whether appointed by Queen or by Governor is a competent councillor to all intents and purposes. Approval consequently given to course adopted for formation of Court. p. 991

Downing
Street,
October 26.

Glenelg to Durham. Confidential. *L.S.* Minister at Washington has reported intelligence received by United States Government

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respecting extensive preparations being made on frontier for attack on Canada. Satisfied all authorities in Canada will take necessary measures for defence. Believes forces in Canada equal to any emergency. 1838.

Duplicate of foregoing Confidential Despatch.

p. 996
p. 1000

Glenelg to Durham. No. 126. *L.S.* Acknowledging despatches (Nos. 66 and 68). Notes former was written before he had received official communication of proceedings in Parliament, and sympathizes with feelings expressed. Government greatly concerned, however, that "yielding to the impulse of the moment", he should have determined to resign. Regret expressed that, after receiving despatch of August 18, he should still insist on resigning; also, relief at assurance that he would not relinquish post until he had removed some grievances, or completed his enquiries, or, above all, prepared his plan for future government of provinces. Government feel assured that he will not abandon post, if circumstances arise endangering peace and safety of provinces. Disagreement with Durham's views as to suspension of Habeas Corpus Act. Belief that the fomenters of revolt will recognize that measure is directed against them, and that law-abiding people will apprehend no ill consequences. Cites beneficial effect of suspension after Revolution of 1688, and after accession of House of Hanover. Laments failure of trial by jury in Lower Canada, and directs enactment of ordinance constituting tribunal for trial of treason and murder. Composition of tribunal discussed, but Durham given free hand. Ordinance should be adopted at once, as *ex post facto* law very objectionable. Assurance repeated of confidence in Durham, later experience confirming Government in that confidence. Government convinced that course they pursued was the best "under the difficult and peculiar circumstances forced on them by the proceedings taken in the House of Lords," though they could not hope altogether "to neutralize the evil consequence of what appeared to them an ill-timed and injudicious interference" with the powers entrusted to Durham. But the many and varied testimonies to Durham's character and the value of his work convince Government that he over-rated the influence of those proceedings. Impressed with these sentiments, and unaware as to length of time required for completion of several objects contemplated, Government will abstain, until they hear from him again, from action bearing on appointment of successor. Government pleased at Colborne's agreeing to stay during winter. If Durham should leave Canada, he will turn over administration to Colborne.

Downing
Street,
October 28.

p. 1005

Glenelg to Durham. No. 127. *L.S.* Sending small quantity of Mountain Rice grown in Toomah in Nepal, for experiment in Canada. Asks that it be distributed among farmers.

Downing
Street,
October 27.

p. 1026

Glenelg to Durham. No. 128. *L.S.* Enclosing letter from Gosford submitting claim of Honourable Hertel de Rouville to compensation for services.

Downing
Street,
October 30.

p. 1030

Enclosure:

S. & S.R. Andres to Gosford. *Copy.* Appeal for recognition of the services of Colonel De Rouville. He zealously supported the Government during the War of 1812, and has since that time exhibited a devoted loyalty that has drawn upon him the displeasure of many of his compatriots. He opened his house to the troops, on their way to and from the St. Charles, and at great personal sacrifice, gave the troops all the assistance in his power.

Chambly,
May 22.

p. 1034

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1838.
Downing
Street,
November 1.
Downing
Street,
November 5.

Glenelg to Durham. No. 129. *L.S.* Asking that Mr. Hale be required to pay fees for renewal of his patent as Receiver General, on demise of Crown. p. 1039

Glenelg to Durham. No. 130. *L.S.* Enclosing letter from a William Booth enquiring as to some property said to have been left to him by his aunt who died near Montreal, and asking that enquiry be made. p. 1042

Enclosure:

3 George's
Buildings,
October 26.
Downing
Street,
November 8.

Wm. Booth to Glenelg. *Copy.* Letter mentioned. p. 1044

Glenelg to Durham. No. 131. *L.S.* Acknowledging despatch (No. 59) of September 17 with enclosures. Attention invited to despatch (No. 72) of July 18, on same subject of militia claims to Crown Lands. As Durham's measure is in accordance with principles set forth in that despatch, it is therefore approved. Delays and obstacles interposed by officials in Lower Canada between militia claimants and their grants had already engaged his attention, and he had given instructions for corrective measures. Is prepared to sanction any other necessary measures to same end. p. 1048

Downing
Street,
November 9.

Glenelg to Durham. No. 132. *L.S.* Respecting claim of T. H. Thompson for arrears of salary as Clerk of Court of Escheats. p. 1054

Downing
Street,
November 12.

Glenelg to Durham. No. 133. *L.S.* Referring to despatches (Nos. 67 and 68), as to course which in Durham's opinion should have been taken by Government respecting the Ordinance of June 28. Government agrees with him, as to small part which was open to charge of illegality. As to Durham's statement that he knew that the section as to restraint of exiles in Bermuda was inoperative, and looked to Government to supply remedy, no hint of this view was contained in Durham's despatches, nor did he give Government opportunity, as prisoners were sent away a few days after ordinance issued. Government did indeed consider propriety of proposing a measure to supply the defect, but after full deliberation set aside the idea as inexpedient. Had hoped to have been able to remain silent on Turton's appointment, but Durham's allusion to it in despatch (No. 66) makes that impossible. Despatch (No. 30) was not answered because correspondence would have involved wide departure from ordinary rules of official communications; also, because it could not fail to cause needless pain to individual concerned. Durham is reminded that the selection of Turton as legal adviser was made without previous communication with either Melbourne or himself, and without knowledge of either; and that as soon as it became known, Melbourne stated his decided objection to it. Durham on Melbourne's remonstrance waived the appointment, but stated he would take Turton to Canada as his private friend. Both Melbourne and himself had firm impression that any assistance Turton might render to Durham would be given in private capacity only. p. 1059

Duplicate of Despatch No. 133. p. 1071

Downing
Street,
November 15.

Glenelg to Durham. No. 134. *L.S.* Acknowledging despatch (No. 80) of October 9, with proclamation of 8th and 9th of that month. The former approved. As to the latter the Government regard it "not merely as a deviation from the course which has hitherto been invariably pursued by the Governors of British possessions abroad, but as a dangerous departure from the practice and principles of the

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Constitution. They consider as open to most serious objection an appeal by such an officer to the public at large from measures adopted by the Sovereign with the advice and consent of Parliament. The terms in which that appeal has in this instance been made appear to Her Majesty's ministers calculated to impair the reverence due to the Royal Authority in the colony, to derogate from the character of the Imperial Legislature, to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which Your Lordship's successor will have to contend". Her Majesty's disapprobation is signified. His continuance as governor could be attended with no beneficial results. It is presumed Government has been transferred to Colborne. p. 1090

Duplicate of Despatch No. 134. p. 1095

Glenelg to Durham. *L.S.* Sending duplicates of despatches addressed to him at Quebec. p. 1102
Downing Street, November 24.

Glenelg to Durham. *L.S.* Offering to send copies of despatches addressed to Colborne in reply to Durham's despatches. p. 1104
Downing Street, November 28.

Grey to Durham. *A.L.S.* With explanations as to despatches sent to Durham after he left Quebec. p. 1107
Colonial Office, December 4.

Glenelg to Durham. *L.S.* Acknowledging letter No. 118 of December 8, tendering his formal resignation, which is accepted. Report anxiously awaited. Any information bearing on state of the Canadas also desired. Rebuke for leaving his Government without Her Majesty's express permission. p. 1112
Downing Street, December 10.

Grey to Durham. *A.L.S.* Sending copies of despatches. p. 1116
Colonial Office, December 11.

Grey to Durham. *A.L.S.* Enclosing memorial from Scotch Church, which was transmitted in Durham's despatch (No. 86). As dividends on investments from Clergy Reserves lands are more than sufficient to satisfy claim, he will authorize payment of £530 unless Durham had other plans. p. 1118
Colonial Office, December 20.

Glenelg to Durham. *L.S.* Replying to letter of 20th, will await report for full information, unless there is something particular which Durham considers important. p. 1121
Downing Street, December 26.

VOLUME III.

Grey to Durham. *A.L.S.* Hansard receiving directions to receive any papers Durham desires to be printed. p. 1
Colonial Office, January 21.

Grey to Durham. *A.L.S.* Respecting transmission of despatches. p. 3
Colonial Office, January 23.

Grey to Durham. *A.L.S.* Sending proofs of Lower Canada papers with omissions marked. Report not yet arrived. p. 5
Colonial Office, January 31.

Grey to Durham. *A.L.S.* Respecting despatches missing from files. p. 8
Colonial Office, February 2.

Grey to Durham. *A.L.S.* Explaining omissions in despatches as printed. p. 10
Colonial Office, February 2.

Glenelg to Durham. *L.S.* Acknowledging letter of January 31, with his Report on the Affairs of British North America. Her Majesty expresses her approbation of the attention he has devoted
Downing Street, February 5.

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1839. to subject, and of the full and comprehensive view taken of the various interests under consideration. Appendix not yet received. Government will take report into immediate consideration. p. 14
- Two copies of foregoing letter. p. 18
- Eaton Place, Grey to Durham. *A.L.S.* Unable to answer questions as to copies of correspondence and report. p. 24
- February 7. Colonial Office, Grey to Durham. *A.L.S.* Sending substitute for letter of 5th, and asking that the latter be returned. p. 26
- February 7. War Office, Lord Howick to Durham. *A.L.S. and Copy. Printed in full on page 338.* p. 27
- February 7. Downing Street, Glenelg to Durham. *L.S.* Acknowledging letter of 6th with Appendix A. p. 63
- February 7. Lord Normanby (who succeeded Glenelg as Colonial Secretary on February 20) to Durham. *L.S.* Asking for statement of his accounts. p. 65
- Eaton Place, Grey to Durham. *A.L.S.* Respecting omissions in published correspondence. p. 68
- Friday Night. Normanby to Durham. *L.S.* Acknowledging letter of February 28, with Appendix B. p. 70
- Downing Street, March 1. Normanby to Durham. *L.S.* Enclosing copy of Order from House of Commons, for return of appointments with information respecting them. His purpose is to enable Durham to make such explanations as he considers desirable. p. 73
- Downing Street, March 8. Normanby to Durham. *L.S.* Transmitting correspondence with Treasury respecting Durham's expenses on his return voyage on "Inconstant," to enable him to make such explanations as he considers desirable. p. 80
- Downing Street, April 8. Enclosures:
1838. (1) C. Wood to Spearman. *Copy.* Claiming £477-10, as due to captain of "Inconstant." p. 83
- Admiralty, December 31. (2) F. Baring to Stephen. *Copy.* Asking whether this expense should be borne by public. p. 85
1839. Treasury Chambers, January 10. (3) Stephen to Baring. *Copy.* Glenelg of opinion expense should be borne by public. p. 88
- Downing Street, January 14, 1839. (4) G. I. Pennington to Stephen. *Copy.* Application made by Admiralty for £180 as extraordinary expenses on voyage, and enquiring whether this should be borne by public. p. 90
- Treasury Chambers, March 23. Normanby to Durham. *L.S.* Enclosing second Order of House of Commons for account of Durham's expenses as High Commissioner; and asking for means of answering it. p. 94
- Downing Street, April 17. Enclosure:
- April 12. Order of House of Commons. p. 97
- Downing Street, May 25. Normanby to Durham. *L.S.* Acknowledging letter of April 30 with account of his expenditures as High Commissioner. Account has been allowed. p. 98
- Colonial Office, May 30. T. W. C. Murdoch to Durham. *A.L.S.* Enclosing account as agent for Durham. p. 102
- Downing Street, August 15. Normanby to Durham. *L.S.* Enclosing copy of letter from Harrison & Company with a certificate for a Queen's Plate of Fifty Guineas run for in Quebec in autumn of 1838; and asking for information. p. 107

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Enclosure:

1839.

R. Harrison & Company. Enclosing certificate that Mr. Anderson's bay mare won Queen's Plate given by order of Durham on September 3, 1838. p. 109

Normanby to Durham. *L.S.* Instructions to Lieutenant Governor of New Brunswick appear not to have been forwarded to that officer. Enquiry as to the whereabouts of documents. p. 111
Downing Street, August 17.

Colonel Couper to Durham. *A.L.S.* Omission of certain account from return made to Parliament. p. 114
1840. Wilton Street, January 27.

Glenelg to Durham. *A.L.S.* Regretting Durham's opinion of his answer, and asking that no step be taken till they meet. Will see him next day. p. 117
Friday night.

Glenelg to Durham. *A.L.S.* Sending extract which it is proposed to present (to Parliament). p. 118
Colonial Office, Monday.

SECTION 2. LETTERS AND DESPATCHES FROM LORD DURHAM TO COLONIAL SECRETARY AND OTHER MEMBERS OF THE GOVERNMENT.

VOLUME I

1838
Cleveland
Row,
March 26.

Lord Durham to Lord Glenelg. *Dft. Initialed.* Acknowledging letter of 24 instant. Being entrusted with administration of six provinces comprising British North America, he asks for adequate means to secure efficient co-operation. Encloses copy of letter of 10 instant to Sir George Grey, giving details. Commander-in-Chief to give him services of four aides-de-camp. p. 1

Enclosure:

Downing
Street,
March 10.

Durham to Grey. *A. Dft. Initialed.* Enclosing memorandum of proposed establishment. p. 5

Sub-enclosure:

Memorandum of salaries required for establishment in Canada. p. 6

Cleveland
Row,
March 26.

Durham to Glenelg. *A. Dft. Initialed.* Copy of foregoing with postscript addition stating that the only appointments made thus far were of E. Ellice as private secretary and of Colonel Couper as military secretary. p. 9

Cleveland
Row,
April 12.

Durham to Glenelg. *L.S.* Will be ready to sail on return from north, probably on 21 instant. p. 13

Cleveland
Row,
April 21.

Durham to Glenelg. *A. Dft. Initialed.* Acknowledging despatches Nos. 1 to 21. p. 16

Quebec, Castle
of St. Lewis,
May 31.

Durham to Glenelg. No. 1. *A. Dft. Unsigned.* Announcing his arrival on 27th. Could not land till 29th. On that day took oaths. Very cordial reception from citizens. Issued proclamation, of which he encloses copies. It was favorably received. p. 18

Enclosures:

Quebec,
June 2.

Proclamation. Draft in Durham's handwriting, and accompanying copy. p. 22

Durham to Glenelg. No. 2. *A. Dft. Initialed.* Reporting attack on frontiers of Upper Canada by American bandits. Sends report of Colonel Dundas. Has issued proclamation, and offered reward of £1000 for discovery and conviction. Great alarm on frontier. Sir John Colborne re-inforcing posts nearest to points of attack. Will send Colonel Grey to Washington to communicate with British Minister on matter. Forces inadequate to deal with rumored attacks. p. 28

Enclosures:

May 30.
Kingston,
May 30.
Quebec,
June 2.

(1) Dundas to Goldie. (In Section 4, p. 148).

(2) Dundas to Goldie. (In Section 4, p. 162).

(3) Proclamation offering £1000 reward for apprehension and conviction of any persons taking part in this outrage. *In print.* Section 4, p. 225.

Quebec,
June 3.

Durham to Glenelg. No. 3. *Copy.* Sending copies of communications from Brockville magistrates respecting burning of "Sir Robert Peel"; also, deposition of master of vessel. p. 33

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Enclosure:

Petition from Magistrates of Brockville, enclosing deposition of Captain Armstrong, master of the "Sir Robert Peel". (In Section 4, p. 178).

1838.

Brockville,
May 30.

Durham to Glenelg. No. 4. *Copy*. Enclosing report of Commander-in-Chief on proposed distribution of troops in Upper Canada.

Quebec,
June 3.

p. 35

Enclosure:

Rowan to Durham. (Q. 246, p. 88).

Head
Quarters
Quebec,
June 2.

Durham to Glenelg. No. 5. *Copy*. Sending copies of despatches, sent by him to Lieutenant Governors of several provinces and Newfoundland.

Quebec,
June 6.

p. 37

Enclosure:

Durham to Lieutenant Governors. (In Section 3, vol. 1, p. 198).

Quebec,
June 1.

Durham to Glenelg. No. 6. *Copy*. Requires a steam vessel to be at his disposal. Extravagant demands of company which holds a monopoly on steam service between Montreal and Quebec. Asks for ship-of-war.

Quebec,
June 8.

p. 39

Durham to Glenelg. No. 7. *A. Dft. Initialed*. Enclosing copies of despatch to Fox, British Minister at Washington, and instructions to Grey, referred to in No. 2.

Quebec,
June 16.

p. 44

Enclosures:

(1) Durham to H. S. Fox. Corr. Rel. Aff. Can. 1839 p. 110.

Quebec,
June 5.

(2) Instructions to Grey. *Copy*. He is to request interview with President of United States, and call upon him to prevent attacks by American citizens on Canadian territory.

Quebec,
June 5.

p. 46

Durham to Glenelg. No. 8. *A. Dft. Initialed*. Enclosing two reports from Captain Sandom of Royal Navy on state of naval force at his command; and report from Colborne on same subject. Vice-Admiral Paget, at Durham's request, has furnished re-inforcements required. Sandom under orders to act strictly on defence, and in Canadian waters.

Quebec,
June 16.

p. 49

Enclosures:

(1) Sandom to Durham. (In Section 4, p. 243).

Quebec,
June 11.

(2) Sandom to Durham. (In Section 4, p. 249).

Quebec,
June 12.

(3) Colborne to Durham. (In Section 4, p. 230).

Kingston,
June 8.

Durham to Glenelg. No. 9. *A. Dft. Initialed*. Report of Colborne on return from Upper Canada. Great excitement prevails. Colborne recommends early visit of Durham to that province. Will leave first week in July. His itinerary. Governor Marcy expressed inability to control people on his side of border. Durham convinced practically all respectable citizens in State condemn outrages and deprecate idea of war with England.

Quebec,
June 16.

p. 53

Durham to Glenelg. No. 10. *Rough draft in Buller's handwriting*. Owing to want of power in Special Council to levy necessary taxes, police and other municipal services in Quebec and Montreal very defective and public works neglected. Parliament should empower Special Council to collect necessary taxes.

Quebec,
June 16.

p. 57

Durham to Glenelg. No. 11. *A. Dft. Initialed*. Enclosing two despatches from Sir John Harvey with his reply, respecting boundary

Quebec,
June 16.

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1833. difficulties between New Brunswick and Maine. Has asked personal interview with Harvey. Danger of consequences of collision between armed bodies. p. 73

Enclosures:

Government House, Fredericton, May 31. (1) Harvey to Durham. No. 1. (In Section 3, vol. 1, p. 167).

Quebec, June 18. (2) Durham to Harvey. No. 2. (In Section 3, vol. 1, p. 759).

Government House, Fredericton, June 9. (3) Harvey to Durham. No. 2. (In Section 3, vol. 1, p. 219).

Quebec, June 17. Durham to Glenelg. No. 12. *A Dft. Initialed*. Acknowledged numbered despatches. p. 76

Castle of St. Lewis, Quebec, June 18. Durham to Glenelg. No. 13. *A. Dft. Initialed*. Enclosing despatch from Sir George Arthur and his reply. p. 78

Enclosures:

Government House, Toronto, June 9. (1) Arthur to Durham. No. 1. (In Section 3, vol. 1, p. 203).

Quebec, June 18. (2) Durham to Arthur. No. 2. (In Section 3, vol. 1, p. 764).

Castle of St. Lewis, June 18. Durham to Glenelg. No. 14. *A. Dft. Initialed*. Acknowledging numbered despatches, Nos. 34-37. p. 80

Quebec, June 23. Durham to Glenelg. No. 15. *Draft in pencil*. Acknowledging numbered despatches, Nos. 39-53. p. 82

Quebec, June 23. Durham to Glenelg. No. 16. *A.L. Initialed*. Return of Grey, day before, with despatch from Fox. Encloses copy, as well as copy of Grey's report. Directed opening of communication between Colonel Dundas and Captain Sandom, and General Macomb of United States army. Anticipated beneficial results from co-operation of British and United States forces to quell disorder. Display of efficient British force very advantageous. p. 84

Enclosures:

Washington, June 16. (1) Fox to Durham. No. 1. (In Section 3, vol. 1, p. 729).

Quebec, June 22. (2) Grey to Durham. *A.L.S.* Account of visit to Washington. Interview with President: informed him of Durham's desire to cultivate cordial relations with United States, but his first duty was to give efficient protection to Canadians; 20,000 of these under arms and only prevented from retaliating the raids by confidence in Governor General. President gave assurance of strongest desire to maintain good understanding with England, and of determination to co-operate to limits of means for preservation of peaceful relations. President anticipated power from Congress to increase army, when more vigorous measures would be adopted. He denied allegations of unfriendliness, declaring that annexation would be contrary to interests of United States. Account of conversation of similar tenor with Poinsett, in which latter was even more emphatic than President. Notwithstanding expressions of good will, United States Government has shown culpable inactivity. Dates of communication from Forsyth to Fox shows this. To Poinsett's enquiry he told him the number of troops in Canada. (Printed in full on page 314). p. 89

Sub-enclosures:

Washington, June 12. (a) Poinsett to Major General Macomb, Commander-in-Chief, United States army. Directions to proceed to Canadian frontier and

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take command there. Details. Copies of United States laws on ^{1838.}
subject to be widely distributed. Forces of State of New York to be
taken over by Maccomb. p. 100

(b) General Orders, containing laws for guidance of army officers
serving on frontiers. Q. 246 p. 178. Adjutant
General's
Office,
Washington,
June 12.
Quebec,
June 25.

Durham to Glenelg. *Separate*. Enclosing copy of despatch he
is sending to Fox. p. 107

Enclosure:

Durham to Fox. (In Section 3, vol. 1, p. 865). June 25.

Durham to Glenelg. No. 17. *A.Dft. Unsigned*. At Arthur's
instance, supported by Colborne, 43rd Regiment to be sent from
Montreal to Upper Canada. Is requesting Sir C. Campbell to send
up 93rd Regiment, as a Scotch Regiment is not subject to desertions
to same extent as English. p. 109
Quebec,
June 29.

Enclosure:

Arthur to Durham. No. 4. (In Section 3, vol. 1, p. 816).

Government
House,
Toronto,
June 22.

Durham to Glenelg. No. 18. *A.Dft. Initialed*. Respecting
trial of political prisoners. Observes that, though Glenelg was
aware of improbability of securing convictions by juries, he
will not consent to any other mode of trial. Difficulties of situa-
tion. On examination finds only 8 or 9 prisoners, deserving severe
punishment, the others having fled to United States. Announced in-
tention of punishing the guilty, and extending mercy to misguided.
Result is that ringleaders pleaded guilty, and threw themselves on
mercy of Crown, which he accepted. Summoned Special Council,
a list of which he encloses; passed ordinance transporting those
pleading guilty, forbidding Papineau and other fugitives from re-
entering province, and releasing the others on their giving security.
Issued a proclamation, announcing this last decision. Course gains
general approbation. Reasons for not transporting prisoners to con-
vict colony. Decided to send them to Bermuda. "Vestal" will take
them—8 in number—on their arrival in Quebec. Murderers of
Lieut. Weir not included in these measures. They will undergo trial.
p. 112
Quebec,
June 29.

Enclosures:

(1) List of Special Council appointed June 28. June 28.

In French,

Q. 246 p. 217.

(2) An Ordinance to provide for the security of the province of
Lower Canada. 2 Vic. c. 1, No. 27. June 28.

Q. 246 p. 205.

In French,

Q. 246 p. 217.

(3) An Ordinance for establishing an efficient system of police in
the cities of Quebec and Montreal, 2 Vic. c. II. No. 28. Quebec,
June 28.

Q. 246 p. 206 verso

(4) Proclamation. Cessation of proceedings against persons
charged with high treason. Q. 246 p. 208 verso

In French,

Q. 246 p. 227

Durham to Glenelg. No. 19. *A.Dft. Initialed*. Necessity of
comprehensive system of emigration, and of some judicious plan for
disposal of Waste Lands belonging to Crown. Beneficial results in
United States. Uniform system for all provinces desirable. Has
issued commissions of enquiry into subject in each province. En-
Quebec,
June 29.

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1838. closes copy of commission, with circular despatch to the several lieutenant governors, directing them to attach the great seals of their governments to similar commission for each colony. This is least objectionable course, in absence of a seal for general government.
p. 122

Enclosure:

Durham to Lieutenant Governors of Provinces in British North America. Circular. (In Section 3, vol. 1, p. 770).

Quebec,
July 2.

Durham to Glenelg. No. 20. *Copy*. Enclosing memorial from minister, trustees and elders of St. Andrew's Church, Quebec. p. 134

Enclosure:

Memorial. A Presbyterian congregation has existed in Quebec since Conquest, in connection with National Church of Scotland. Allowances of £50 each have been granted to the churches in Quebec and Montreal until 1835. Resolution of Government to cut off all aid to any body of provincial clergy received with regret, but without special ground of complaint. Grant made by Parliament to Anglican Bishop being continued, savors of discrimination. Case for assistance to Scottish Established Church congregations, there are 14 ministers of that communion in province; and not fewer than 30 settlements, chiefly Scotch, without ministers, through lack of means for their support.
p. 136

Quebec,
July 4.

Durham to Glenelg. No. 21. *A.Dft. Initialed*. "Vestal" with political prisoners sailed that morning for Bermuda. Leaves for Upper Canada at noon.
p. 154

Quebec,
July 5.

Durham to Glenelg. No. 22. *Copy*. Respecting a claim preferred by ex-judge James Kerr.
p. 156

Enclosure:

Memorial of ex-judge Kerr.

Q. 246 p. 260

Montreal,
July 6.

Durham to Glenelg. No. 23. *A.Dft. Initialed*. Announcing his arrival there. Favourable reception gratifies him. Encloses copy of address from citizens. Had visit from Catholic Bishop and clergy. Lower Canada tranquil, and borders not molested. Conditions in Upper Canada, both internal and on borders, very unsatisfactory.
p. 159

Enclosures:

(1) Copy of address of citizens of Montreal.

Q. 246 p. 272

(2) Copy of Durham's reply.

Q. 246 p. 273

verso

On Lake
Ontario,
July 12.

Durham to Glenelg. No. 24. *A.Dft. Initialed*. Announcing departure from Montreal on 10th and arrival at Kingston on night of 11th. Johnson who burned the "Sir Robert Peel" lurking in Thousand Islands. Slight chance of capturing him there. Intends, if search for him fails, to put Thousand Islands under Martial Law. Dilapidated state of dockyard. Fortress in good condition. Importance of Kingston, from military and commercial points of view.
p. 164

Niagara,
July 16.

Durham to Glenelg. No. 25. *A.Dft. Initialed*. Announcing the arrival at Fort George on 13th, and journey to Queenston. 43rd Regiment encamped at Niagara. Excellent effect of prompt military measures. On 14th, proceeded to Fort Erie. Surprising progress of Buffalo, attributed to Erie canal. Western trade would fall on Canadian route, were canal system in proper shape. Encloses American paper to show that Americans understand this. Asks for grant

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of money for this purpose. Believes remedy for all ills and discon-^{1838.}
tents to be found here. p. 169

Enclosure:

Extract from American newspaper on the development of the
Canadian canal system, and its probable consequences, commercial
and political. Q. 246 p. 283

Durham to Glenelg. No. 26. *A.Dft. Initialed.* Account of ^{Toronto,}
review of troops at Niagara. Many Americans witnesses. Good ^{July 19.}
effect of review. Cordial meeting with Commander of American
troops at dinner given by Durham. Left Niagara 18th and reached
Toronto via Port Dalhousie same day. Warm reception as elsewhere.
Sends addresses received at Niagara and Toronto with his replies.

p. 179

Enclosures:

(1) Address from magistrates, clergy, members of the bar of
Niagara and vicinity. Addresses No. 26

(2) Address from inhabitants of Niagara and vicinity.

Addresses No. 3

(3) Reply of Durham to foregoing addresses.

Q. 246 p. 293 verso.

(4) Address of the clergy of Established Church of Upper
Canada. Addresses No. 11

(5) Reply of Durham to foregoing address.

Q. 246 p. 293 verso.

(6) Address of inhabitants of Toronto and vicinity.

Q. 246 p. 293

(7) Reply of Durham to foregoing address.

Q. 246 p. 293

(8) Address of ministers of Wesleyan Methodist Church in
Upper Canada. Q. 246 p. 293

(9) Reply of Durham to foregoing address.

Q. 246 p. 294 verso.

Durham to Glenelg. No. 27. *A.Dft. Initialed.* Received an ^{Prescott,}
address at Kingston. Two of Johnson's men captured by Lieut. Leary, ^{July 20.}
Commander of one of the schooners on St. Lawrence; they were
handed over to American authorities. On 21st, to descend Long Sault
Rapids to examine canal possibilities; £50,000 would ensure uninter-
rupted communication between Lake Ontario and Montreal. p. 183

Durham to Glenelg. No. 28. *A.Dft. Initialed.* Reviewing the ^{Montreal,}
result of his trip. Received with utmost enthusiasm everywhere, ^{July 24.}
showing appreciation of his measures for good of province. Will visit
French districts and Eastern Townships after a few weeks in Quebec.

p. 187

Enclosures:

(1) Address of the inhabitants of the Seigniories of Nouvelle
Longueuil and Soulanges. Addresses No. 12.

(2) Reply of Durham to foregoing.

Q. 246 p. 304

Durham to Glenelg. No. 29. *A.Dft. Initialed.* Acknowledg-
ment of despatches—Nos. 38, 54-57, 60-62, and Confidential of July 4. ^{July 30.}

p. 191

Durham to Glenelg. No. 30. *A.Dft. Initialed, and copy.* ^{Castle of}
Vigorous reply to expression of "surprise and regret" on part of Gov-
ernment, at his appointment of Mr. Turton as one of his secretaries, ^{St. Lewis,}
and a member of the Executive Council. Maintains he was within ^{Quebec,}
his rights in making appointments. ^{July 30.}

p. 193

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1838.
Quebec,
July 30.

Durham to Glenelg. No. 31. *Two copies.* Resenting animadversions of Lords Brougham and Ellenborough. Defends his course in confining hearings in Court of Appeal to members of Executive Council with legal training. Enclose copy of *Quebec Mercury*, an independent paper, of that day's date on matter. p. 204

Enclosure:

Article from *The Quebec Mercury* dated July 30, deprecating attacks on Lord Durham. Q. 246 p. 320

Quebec,
July 31.

Durham to Glenelg. No. 32. *Copy.* Enclosing (1) Statement of Receipts and Expenditures on account of Crown Lands, and of licenses to cut timber, for six months ended June 30, 1838; (2) Statement of Receipts on account of Crown Lands, and Licences to cut timber, and (3) Statement of Receipts on account of Casual and Territorial Revenue for 3 months, ended June 30, 1838. p. 214

Enclosures:

(1) Statement of Receipts and Expenditures on account of the Crown Lands and of Licences to cut Timber in half-year ended June 30, 1838. Q. 246 p. 329

(2) Statement of Receipts on account of the Crown Lands and of Licences to cut timber for quarter ended June 30, 1838. Q. 246 p. 332.

(3) Statement of Receipts on account of the Casual and Territorial Revenue of Lower Canada for quarter ended June 30, 1838.

Q. 246 p. 333

Quebec,
July 30.

Durham to Glenelg. No. 33. *A.Dft. Initialed.* Will send a secret and confidential report on Lower Canada in few days. Necessary to refute statement of Lord Gosford as to small extent of disaffection. His own conclusion is the reverse. p. 216

Quebec,
July 31.

Durham to Glenelg. No. 34. *Draft in Wakefield's handwriting and copy.* Acknowledging despatch (No. 35) of May 9, on plea of British North American Land Company for modification of terms. Has studied question. Is opposed to allowing modification. Serious evils to be traced to practice of not enforcing conditions attached to land grants. Effective colonization only possible, where strict performance is insisted upon. Is directing Crown Lands Department to gather in arrears; no exception could be made in case of Company. Public confidence already shaken by failure of Government to observe its own regulations respecting disposal of land. Grounds for Company's claim for indulgence—hostility of Assembly and political conditions—invalid: Assembly has long been opposed to such British enterprises. Original agreement very favorable to Company. If they should apply for release he would recommend resumption of land, as Crown could dispose of it on much better terms. p. 219

Quebec,
August 7.

Durham to Glenelg. No. 35. *Copy.* Enclosing copy of proceedings of Executive Council of Lower Canada for 6 months ended June 30, 1838. p. 269

Quebec,
August 9.

Durham to Glenelg. Secret and Confidential. No. 36. *A.L. Initialed.* Report on conditions in Lower Canada, which are very grave. Not political objects, primarily, but racial antagonisms extending from top to bottom of society, real ground of division. Illustrations of this fact. Real struggle is for or against retention of French laws and customs; thus British are for more responsible government, while French, calling themselves Reformers, prefer present forms or those even less democratic. Roots of antipathy to be found in arrangements made at and since Conquest. In view

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of ultimate predominance of those of British race, perpetuation of French institutions unwise. Representative system, used by Canadians as defence of their nationality; by British in effort to sweep away those institutions. Rebellion probably inevitable. Some of abler Canadians imbued with broader views, but hampered by the masses. Imperial Government distrusted by both Canadian and British parties. Both inclined to wish for war with United States, as best means for achieving the views of each. Distribution of population, adds to danger of situation. Sentiments of United States on subject of war with England—vast majority adverse to war. Situation disturbed by general misapprehension of Americans, as to real aims of parties in Canada. Tendency to identify cause of Canadians with that which led to Revolution. Irritation due to hostile Colonial press. Americans getting used to idea of war. Inconvenience to border States from distracted state of Colonies. Restless section of population on border. Welcome improvement in American feeling owing to his own efforts. Sentiment of British party. No goodwill between British official class and mass of British party. Local government regarded by latter with suspicion and mistrust, for which there was ample ground. Main object of British party to brush aside the obstacles opposed by Canadians to progress of British industry, and to substitute for Canadian institutions, laws and practices, others of a British character. Inconsistency of Imperial policy has irritated both parties in about the same degree. "With less antipathy no doubt, and more caution, but also with far more self-reliance, they are as little loyal as the Canadians". They declare that rather than be again subject to the French, they would prefer union with United States. Notwithstanding unfavorable symptoms, Durham has hopes of restoring satisfactory conditions. His late visit to Upper Canada has encouraged him. Urges that Government and Parliament rise to height of occasion, and sanction "such measures as will effectually provide for the abstraction of all legislation on British interests from the control of a French majority." This possible without violence to Canadian rights, and in accordance with soundest principles of constitutional government. Hopes to submit suitable measures very soon. (Printed in full p. 316.) p. 271

Durham to Glenelg. No. 37. *Copy*. Acknowledging receipt of numbered despatches—Nos. 56, 61-75. p. 297

Quebec,
August 9.

Durham to Glenelg. No. 38. *Copy*. Replying to despatch of May 21, No. 41, respecting renewal of tax for relief of sick or indigent emigrants. Act renewed before his arrival. p. 300

Quebec,
August 9.

Durham to Glenelg. No. 39. *Draft and copy*. Conveying information respecting Thomas Griffith. p. 302

Quebec,
August 9.

Durham to Glenelg. No. 40. *A.Dft. Initialed*. Enclosing copies of communication from Sir C. FitzRoy, of his answer. p. 305

Quebec,
August 11.

Enclosures:

(1) FitzRoy to Durham. No. 1. (In Section 3, vol. 2, p. 41).

Government
House, P.E.I.
July 7.

(2) Durham to FitzRoy. (In Section 3, vol. 2, p. 248).

Castle of
St. Lewis,
August 1.

(3) Durham to Fox. (In Section 3, vol. 2, p. 252).

Castle of
St. Lewis,
August 1.

Durham to Glenelg. No. 41. *A.Dft. Initialed*. Enclosing communication from Commander of Forces. p. 307

Castle of
St. Lewis,
August 12.

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Enclosure:

Sorel,
August 10.
Quebec,
August 15.

Colborne to Durham. (In Section 4, p. 563).

Durham to Glenelg. No. 42. *Copy*. Reporting no sales of
Clergy Reserves for half-year ended June 30, 1838. p. 309

Enclosure:

Quebec,
August 15.

Statement to foregoing effect from Commissioners. p. 311

Durham to Glenelg. No. 43. *L.S.* Strongly commending services
of Vice-Admiral Sir Charles Paget, who is leaving that station for
West Indies. p. 313

Quebec,
August 25.

Durham to Glenelg. No. 44. *Copy*. Enclosing copy of address
from congregation of Presbyterian Established Church at Cobourg.
p. 319

Enclosure:

Address setting forth grievances—establishment of 57 rectories,
the obligation to take oath of allegiance imposed on their ministers,
from which clergymen of Church of England and Roman Catholic
Church are exempt, discrimination in distribution of public lands
and funds, and appealing that these grievances be redressed. With
Addresses.

Quebec,
August 25.

Durham to Glenelg. No. 45. *Draft and copy*. Respecting
compensation to the Registrar and Marshal of the Court of Vice-
Admiralty, who have hitherto received nothing for their services.

p. 321

Enclosure:

Statement on subject by Registrar. p. 342

Quebec,
August 25.

Durham to Glenelg. No. 46. *Copy*. Enclosing copy of des-
patch from Major General Sir Stephen B. Chapman, respecting arrange-
ment for detention of State prisoners in Bermuda, and of his reply.
p. 345

Enclosures:

The
Bermudas,
July 28.
Castle of
St. Lewis,
August 24.
Quebec,
August 25.

(1) Chapman, Governor, &c. to Durham. (In Section 3, p. 208).

(2) Durham to Chapman. (In Section 3, vol. 2, p. 412).

Durham to Glenelg. No. 47. *A.Dft. Initialed*. Enclosing copies
of correspondence between him and Sir G. Arthur, on subject of late
convictions for high treason in Upper Canada. p. 347

Enclosures:

Castle of
St. Lewis,
Quebec,
August 16.
Cornwall,
August 20.
Montreal,
August 21.
Castle of
St. Lewis,
Quebec,
August 24.
Castle of
St. Lewis,
August 30.

(1) Durham to Arthur. No. 7. (In Section 3, vol. 2, p. 364).

(2) Arthur to Durham. Separate. (In Section 3, vol. 2, p. 390).

(3) Durham to Arthur. No. 8. (In Section 3, vol. 2, p. 399).

(4) Durham to Arthur. No. 9. (In Section 3, vol. 2, p. 403).

Durham to Glenelg. No. 48. *A.Dft. Initialed*. Enclosing com-
munication from office of Commander of the Forces, respecting Gle-
nelg's No. 59. p. 351

Enclosures:

Military
Secretary's
Office, Quebec,
August 27.

(1) Rowan, M.S. to Col. Couper.

Q. 247 p. 98

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(2) Colborne to Arthur.

Q. 247 p. 101 1838.
Headquarters,
Sorel,
August 16.

Durham to Glenelg. No. 49. *Copy.* Acknowledging No. 64 of July 5. Has no objection to confirmation of William Henry Brehaut's appointment as Clerk of Peace, Montreal. p. 353

Durham to Glenelg. No. 50. *Copy.* Enclosing with recommendation memorial from Bishop of Montreal. p. 356

Enclosure:

Right Rev. G. J. Mountain to Durham. Appeal for increase of emoluments. Diocese extends from Gaspé to western limits of Upper Canada. Expenses of visitations. Present salary and prospects from statements made in House of Lords. Q. 247 p. 114.

VOLUME II.

Durham to Glenelg. No. 51. *Copy.* Calling attention to Colborne's despatch (No. 10), of March 22, respecting provision for family of Chartrand. p. 1

Durham to Glenelg. No. 52. *Copy.* Enclosing Blue Book for 1837. p. 3

Durham to Glenelg. No. 53. *Copy.* Referring to despatch No. 46 of March 16, Glenelg to Colborne. Returns certain papers. p. 5

Enclosure:

Rev. C. P. Baillargeon to Rowan. In French. Returning papers addressed to Dame Marie Catherine H. Mouron, calling herself Cordier de la Houssaye, widow Peaton, as enquiry has failed to disclose such person. Q. 247 p. 135

Durham to Glenelg. No. 54. *Copy.* Enclosing with recommendation petition of widow of Reverend Robert Q. Short. p. 7

Enclosure:

Petition of Mary Short, setting forth her circumstances, and grounds of claim on the bounty of the Government. Q. 247 p. 140.

Durham to Glenelg. No. 55. *Copy.* Enclosing with recommendation petition of J. Godfroi Naacké. p. 9

Enclosure:

Copy of Petition in French representing that he served under Burgoyne from 1776 to 1783 without remuneration. Q. 247 p. 147.

Durham to Glenelg. No. 56. *Copy.* Enclosing with recommendation petition of Samuel Brogden. p. 11

Enclosure:

Petition of Samuel Brogden, who served in 60th Regiment at Battle of Plains of Abraham in September 1759. He is 106 years of age, blind and without means of subsistence. Asks for pension. Ste. Anne de la Pérade, June 26.

Q. 247 p. 152

Durham to Glenelg. No. 57. *A.Dft. Initialed.* Stating that the murderers of Lieut. Weir and Chartrand have escaped conviction, in the former case through the failure of the principal witness to appear, in the latter by the verdict of the jury, in face of the most convincing evidence. Under existing Jury Law, no other result could be expected. Regards this as showing the wisdom of course he pursued in case of prisoners charged with treason. p. 13

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1838.
Quebec,
September 13.

Durham to Glenelg. No. 58. *A.Dft. Initialed.* Announcing arrival of delegates from Nova Scotia and Prince Edward Island, to confer with him on general arrangements. p. 18

Quebec,
September 17.

Durham to Glenelg. No. 59. *Rough draft and copy.* Enclosing copies of report on militia claims to land; also proclamation issued on subject. Report scarcely does justice to the injury done both to Militia and Province, through the culpable action and inaction of Executive Government. p. 22

Enclosures:

(1) Report of Charles Buller, Chief Commissioner of Crown Lands and Emigration. *Rough draft in Hanson's handwriting.* Grants of land to militia, who served in American War of 1812 authorized by instructions in 1818. Uncertainty as to terms of instructions, no copy extant in province. From Provincial Act 59 Geo. III c. 23, it would appear that instructions referred almost entirely to embodied militia. Under Act mentioned, several townships surveyed, and by Proclamation of November 2, 1822, all persons serving in six battalions of embodied militia, and such as had marched to frontier were directed to bring in claims. By subsequent proclamations time for receiving claims extended to August 1, 1830. Many claims made and 200,000 acres granted. Question arose as to whether sedentary militia who had served were included in instructions. Executive Council favourably disposed, Dalhousie adverse to such claims. Two or three location tickets issued on these. All grants subject to conditions of three years' residence on property, erection of dwelling house and clearing and cultivation of 4 acres. Terms being regarded as too onerous, proclamation was issued in 1837, allowing officers and men of embodied militia, who had applied before August 1, 1830, to have lands free of all conditions, except such as were imposed on all by the laws of Province. Proclamation also constituted a board to deal with claims. Claimants were divided into three classes:—embodied militia, lodging claims before August 1, 1830; those belonging to other corps, lodging claims before August 1, 1830; those of either class who had not made claims before 1830. The numbers in classes were respectively 2195; 2598; 1669. Only claims open to doubt those of second class: first have good claim, third have none. Those in second class performing services similar to those of embodied militia seem entitled to grants. Proclamation of 1837 removing conditions from grants, founded on address of Assembly, and also on justice. Greater part of locations remote from settlements, and useless without considerable expense. Grants largely disposed of to speculators, who become sole beneficiaries of concessions of 1837. Whole effects of grants injurious to Province. Under claims of militia of 1775, over 230,000 acres granted, under those of militia of war of 1812, over 217,000 acres granted; by far largest part lying waste. Whole townships granted have not one settler on them. To provide against similar evil results in case of further grants, recommends that all valid claims be commuted for cash at current prices for Crown Lands, to be paid to claimant only or legal representative. p. 37

Quebec,
September 11.

(2) Proclamation of Lord Durham, giving effect to recommendations of foregoing report. Q. 247 p. 229.

Quebec,
September 18.

Durham to Glenelg. No. 60. *Copy.* Stating that there will be no articles in store available for presents to Indians in 1839. p. 52

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Durham to Glenelg. No. 61. *A.Dft. Initialed.* Sending copy of his despatch (No. 10) to Sir George Arthur, and asking that it be seriously considered. 1838.
Quebec.
September 18.
p. 54

Enclosure:

Durham to Arthur.

Durham to Glenelg. No. 62. *Initialed.* Acknowledging despatch (No. 76) stating that Admiralty report no steamer to be available for his service on the St. Lawrence. As the monopoly reported in despatch (No. 6) continues, further consideration is requested. Q. 247 p. 230 verso.
Quebec,
September 18.
Quebec,
September 19.

p. 56.

Durham to Glenelg. No. 63. *Copy.* Enclosing copy of communication from Attorney General respecting additional facilities for Jury trial in particular cases, in parish of Ste. Hyacinthe. Quebec,
September 20.
p. 61

Enclosure:

Ogden, Attorney General to Buller. Transmitting draft of Ordinance, amending Provincial Acts 2 Wm. IV. c. 66, and 4 Wm. IV. c. 8. Utter inefficiency of juries, summoned under Ordinance 27 Geo. III. Instances case where jury acquitted a man proven guilty by clearest evidence of murder, on the ground that the man murdered was a spy. Discouraging first experiment of St. Hyacinthe in local taxation, matter of regret, but less so than perpetuation of present jury system without restriction. Quebec,
September 19.
Q. 247 p. 232 verso.

Durham to Glenelg. No. 64. *Copy.* Enclosing copy of petition of Tannet H. Thompson, late Clerk of Court of Escheats, with report of Executive Council upon it. Quebec,
September 22.
p. 63

Enclosures:

(1) Petition of Tannet H. Thompson, late Clerk of the Court of Escheats in Lower Canada, for certain arrears of salary. Quebec,
June 23.

Q. 247 p. 179

(2) Extract of Report of Executive Council dated July 6, on Thompson's petition. Q. 247 p. 185

Durham to Glenelg. No. 65. *Copy.* Enclosing copy of Chief Justice's notes on trial of persons accused of murder of Chartrand. Quebec,
September 23.
p. 66

Enclosure:

Notes of evidence adduced on trial of case. Q. 247 p. 232 verso.

Durham to Glenelg. No. 66. *Copy.* Remonstrance at proceedings in House of Lords on subject of his powers. Duke of Wellington's statement that he had no extraordinary powers beyond what were necessary to make certain reports, and Governments tacit acquiescence most damaging to his usefulness. The Turton episode not so hurtful for reasons stated. Proceedings have elated the disaffected, and depressed those having confidence in him. Evidence of fresh activity among former. Loss of moral authority and prestige so serious that he contemplated resignation of his position. He had relinquished the notion, particularly in view of gratifying despatches, expressing approbation of his measures. Account of debate in Lords on 7-9 August convinced him, however, that it was useless to continue, and he determined to resign. This will be perceived from his answer to addresses from delegates from Nova Scotia, New Brunswick and Prince Edward Island, enclosed. Quebec,
September 25.
p. 68

Enclosures:

(1) Address of Delegations from the Eastern (Maritime) Colonies. *Copy in W. Young's hand.* Deep regret and concern at rumors

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of Durham's departure. Personal intercourse convinced them of his ardent desire to elevate colonies, and that his conceptions are calculated to render desire effective. Commend his blending mercy with justice. Fears that his departure will be followed by relapse.

p. 95

(2) Reply to foregoing address. *Dft. in Durham's hand*. Gratitude for address. His intentions, and what he has accomplished. His usefulness arrested by interference of a branch of British legislature, in which Government has acquiesced. Nothing left for him but to resign.

p. 101

Quebec,
September 26.

Durham to Glenelg. No. 67. *Copy*. Statement of the reasons leading him to assert that Ordinance banishing state prisoners to Bermuda not illegal. Admission that part is inoperative without co-operation of Government and Parliament, or Bermuda legislature.

p. 108

Quebec,
September 28.

Durham to Glenelg. No. 68. *Copy*. Acknowledging receipt of despatch (No. 89). Statement of reasons for resigning. Effect of Act of Indemnity, contrasted with Brougham's bill on subject. Latter, if opposed by Government, would have been regarded as a party manoeuvre. Act of Indemnity, in effect condemnation of his most important measure. Will proclaim act. Explanation of measures of which ordinance was only a part. His purpose, as to future, British institutions; as to present, security against disaffected. Re-statement of his intentions in the ordinance, and condemnation of Home Government for failure to do its part. Measure approved in Canada and United States. Act of Indemnity makes no discrimination between those deserving punishment and others, and leaves leaders of insurrection free to resume activities. Criticism of Glenelg's proposal to effect ends desired, by new Ordinance. Fear that Government may again weaken under Opposition's censures. Objections to Glenelg's suggestion that Habeas Corpus be suspended. Had the proposition and suggestion been peremptory he would have resigned. As it is he will continue to exercise his own discretion. He does not resign immediately because both in his character of governor general and of high commissioner he has undertaken certain engagements and plans for reform, which his sense of duty compels him to fulfil. Expects to return to England in few weeks. Hopes to exercise influence for good of colony in Parliament. Defends use of despotic powers, entrusted to him.

p. 126

Quebec,
September 26.

Durham to Glenelg. No. 69. *Copy*. Respecting mode of address of despatches coming via New York.

p. 189

Quebec,
September 29.

Durham to Glenelg. No. 70. *Draft apparently in Turton's handwriting, initialed by Durham*. Replying to letter of August 18, respecting Court of Appeals. Repetition of statement in despatch (No. 31). Encloses copy of despatch from Colonial Secretary of December 9, 1815, as to competency of members of Executive Council not appointed by mandamus to sit in Court.

p. 191

Enclosure:

1815.
Downing
Street,
December 9.

Bathurst to Drummond. Enclosing copy of report of Attorney General and Solicitor General, to effect that honorary members of Executive Council, when summoned, may sit as members of Court of Appeals.

Q. 247 p. 242 verso.

Sub-enclosure:

1815.
2 Lincoln's
Inn, Novem-
ber 16.

W. Garrow and J. Shepherd. No distinction exists between regular and honorary members of Executive Council, except that

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latter must be specially summoned, and are not paid for attendance. 1838.
Honorary members, therefore, when summoned, qualified to sit as members of Court of Appeals.

Durham to Glenelg. No. 71. *A.Dft. Initialed.* Acknowledging numbered despatches—Nos. 76-87, 89. Q. 247 p. 242
p. 196 Quebec, September 29.

Durham to Glenelg. No. 72. *A.Dft. Initialed.* Reporting that five gentlemen attended the Special Council on June 28, the day of their appointment, Vice-Admiral Paget, Sir J. Macdonnell, Charles Grey, Colonel Couper and Charles Buller. Q. 247 p. 222
p. 198 Quebec, September 27.

Durham to Glenelg. Private. Respecting his announcement that he was turning over the government to Colborne and returning to England. Bitter resentment shown at the way he had been treated. Disheartening consequences in Canada. Government by military officer only one possible for a time. Will lay his grievances before Parliament. Will return by way of United States, where apparently his influence is greater than in England. Q. 247 p. 222

Durham to Glenelg. No. 73. *A.Dft. Initialed.* At request of Colborne, arrangements made for the despatch of a regiment from Nova Scotia to Canada, by way of re-inforcement. Province agitated afresh by reports of proceedings in House of Lords. p. 200 Quebec, October 6.

Durham to Glenelg. No. 74. *Dft.S.* Acknowledges despatch, (No. 103) requesting his views on subject of escheat in Prince Edward Island. Can add nothing to the facts contained in despatch and enclosures. Encloses some papers, giving evidence taken before Commission of Enquiry. Delegates from Island concur in FitzRoy view of case. Statement of serious situation, caused by improvident grants, failure to insist on conditions attached to grants. Injury to settlements from being hemmed in by wilderness. Influences blocking remedies. Hopes Government will allow measure adopted by Legislature. Had intended and still intends to propose a measure. p. 204

Enclosures:

(1) Evidence of Robert Hodgson, Attorney General for Prince Edward Island. p. 216

(2) Evidence of John Windsor Le Lacheur, M.L.A. from Prince Edward Island. Corr. Relating to Affairs B.N.A. 1839. p. 198

(3) Evidence of Sir Charles FitzRoy, Governor of Prince Edward Island. Corr. Relating to Affairs B.N.A. 1839. p. 200

Durham to Glenelg. No. 75. *Copy.* Enclosing with recommendation petition of Mrs. McKechnie. p. 226 Quebec, October 9.

Enclosure:

Petition of Mrs. McKechnie, setting forth the circumstances of her husband's death while on active service, and the destitute condition of herself and five children, and praying for a small pension.

Q. 248 p. 16

Durham to Glenelg. No. 76. *Copy.* Transmitting statement of Receipts on account of Casual and Territorial Revenue, and of sales of Crown Lands and Licences to cut timber for quarter ending September 30. p. 228 Quebec, October 10.

Enclosures:

(1) Statement of Receipts on account of Casual and Territorial Revenue for quarter ended September 30, 1838. Q. 248 p. 25

(2) Statement of Receipts on account of Crown Lands and Licences to cut Timber, for quarter ended September 30, 1838.

Q. 248 p. 26

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1838.
Quebec,
October 9.

Durham to Glenelg. No. 77. *A.Dft. Initialed.* Transmitting copies of address from 4287 inhabitants of Quebec and his answer.

p. 230

Enclosures:

(1) Address from inhabitants of Quebec and vicinity expressing confidence in Durham, and gratitude for what he has accomplished, and regret that the course of events in the British Parliament has weakened his power for good, encouraged the disloyal and created apprehension in the minds of the loyal. Gratification at promise that Durham would communicate his plan for their consideration before submitting it to Government in Great Britain. Hopes that he may remain, but if he feels compelled to leave, are assured that he will continue his labours for the country in England.

Corr. Relating to Affairs B.N.A. 1839. p. 201

(2) Durham's reply. Warm thanks for terms of address. Leaving because course in House of Lords, acquiesced in by Government has deprived Government of all moral power and consideration. Will defend Colonial rights in Parliament.

Corr. Relating to Affairs B.N.A. 1839. p. 202

Quebec,
October 9.

Durham to Glenelg. No. 78. *A.Dft. Initialed.* Transmitting copies of address from Toronto and his answer.

p. 232

Enclosures:

(1) Address to Durham from citizens of Toronto.

Corr. Relating to Affairs B.N.A. p. 203

Quebec,
October 9.

(2) Reply to Durham. Corr. Relating to Affairs B.N.A. p. 203
Durham to Glenelg. No. 79. *A.Dft. Initialed.* Transmitting copies of address from Kingston.

p. 234

Enclosures:

(1) Address to Durham from clergy, magistrates and other inhabitants of Kingston.

Addresses No. 46

Quebec,
October 9.

(2) Reply to Durham. Corr. Relating to Affairs B.N.A. p. 205
Durham to Glenelg. No. 80. *A.Dft. Initialed.* Transmitting copies of *Official Gazette*, proclaiming Act 1 and 2 Vic. c. 112, and notified disallowance of Ordinance 2 Vic. c. 1.

p. 236

Enclosures:

(1) Proclamation signed by Buller of Act 1 and 2 Vic. c. 112, entitled "An Act for indemnifying those who have issued or acted under certain Parts of a certain Ordinance, made under colour of an Act passed in the present Session of Parliament, intituled 'An Act to make temporary Provision for the Government of Lower Canada; and of the disallowance by Her Majesty of the Ordinance 2 Vic. Cap. I. entitled "An Ordinance to Provide for the Security of the Province of Lower Canada".

Corr. Relating to Affairs B.N.A. p. 206

October 9.

Same in French, from *Gazette de Quebec*.

Q. 248 p. 37

October 8.

(2) Proclamation signed by D. Daly, Secretary of the Province, of the Act of Indemnity, 1 & 2 Vic. c. CXII.

Corr. Relating to Affairs B.N.A. p. 209

Same in French.

Q. 248 p. 59

Sub-enclosure:

Act 1 & 2 Vic. c. CXII.

Corr. Relating to Affairs B.N.A. p. 210

Quebec,
October 12.

Same in French.
Durham to Glenelg. No. 81. *A.Dft. Initialed.* Enclosing continuation of his correspondence with Sir G. Arthur.

Q. 248 p. 62

p. 238

SESSIONAL PAPER No. 23

Enclosures:

(1) Arthur to Durham. No. 17. (In Section 3, vol. 2, p. 418).

1838.

Government
House,
Toronto,
August 29.

(2) Arthur to Durham. No. 18. (In Section 3, vol. 2, p. 514).

Government
House,
Toronto,
August 31.

Durham to Glenelg. No. 82. *Copy*. Enclosing certified copies of the Ordinances passed by the Special Council in April and May, under the administration of Colborne. (26 in number). p. 240

Castle of
St. Lewis,
Quebec,
October 13.

Durham to Glenelg. No. 83. *A.Dft. Initialed*. Stating that he has officially communicated to Lieutenant Governors of the several provinces his intention of returning to England, and transmitted to them copies of his despatches (Nos. 66, 67 and 68), and of Glenelg's despatch respecting the disallowance of the Ordinance. p. 242

Castle of
St. Lewis,
October 16.

Durham to Glenelg. No. 84. *Copy*. State of feeling in British North America. His usefulness destroyed by proceedings in Parliament. Alarming change in tone of people since disallowance of ordinance was announced—British portion looking towards United States, French exulting in victory of advocates in England. Disposition towards conspiracies revived. Same state of feeling in Maritime Provinces. Terror in Upper Canada at prospect of renewed disturbances. All parties united in expression of feelings. Encloses communications showing alarming evidence of hostile activity in border States. Fears there may be attempt to repeat Texas conquest in Canada. British population throughout provinces aroused to fresh hope by prospect of change of system, grieved and indignant at signs of reaction. Condemnation of disallowance of Ordinance shared by all parties. Is astonished at extent of change in feelings. Danger threatens with which military forces inadequate to contend. p. 244

Quebec,
October 16.

Enclosure:

Fox to Durham. No. 4. Confidential. (In Section 3, vol. 2, p. 772).

Washington,
October 4.

Fox to Durham. Private. (In Section 3, vol. 2, p. 796).

Washington,
October 5.

Durham to Glenelg. No. 85. *Copy*. Transmitting ordinances passed under his government. p. 259

Quebec,
October 19.

Enclosure:

"An Ordinance to prevent the discharge of certain persons until they shall have given security."

Quebec,
August 23.

Corr. Relating to Affairs B.N.A. 1839. p. 218

Durham to Glenelg. No. 86. *Copy*. Transmitting memorial from Moderator of Presbyterian Synod. p. 261

Quebec,
October 19.

Enclosure:

Memorial, signed by John Cook, Moderator. Referring to a grant of £500 received on account of sale of Clergy Reserves, and asking that it may be continued. p. 263

Durham to Glenelg. No. 87. *Copy*. Enclosing, as requested in despatch (No. 81) certificates of marriage of St. Antoine Perreault, and of birth of Marie Josephine Lémelin and Marie Josephite Perreault. p. 267

Quebec,
October 20.

Enclosures:

Certificates mentioned.

Q. 248 p. 146.

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1838.
Quebec,
October 20.

Durham to Glenelg. No. 88. *Draft and copy.* Application for Habeas Corpus in case of Firmin Moreau and Judge Bedard's support of same taken as illustration of injurious effect of imprudent and ill-advised expressions in Parliament. Judge held Vagrant Act (17 Geo. II. c. 5) law of Province, and Ordinance contravening its terms to be invalid. Opinion overruled by other judges, but mischievous done by expression of opinion. p. 269

Quebec,
October 20.

Durham to Glenelg. No. 89. *Draft and copy.* Sir John Colborne coincides with his views as to alarming condition of Canada. As responsibility for conduct of government will probably rest on Colborne, Durham has requested him to take measures for security of provinces. Durham will, with Colborne's concurrence, relinquish government without delay. Civil governor could render only subordinate aid to military authorities. His sphere of utility to be thereafter in Parliament. Will sail November 3. Regrets inability to visit President of United States. Has little precise information of sources of danger, but is convinced of their existence. Rapid familiarizing of men's minds with possibility of union with United States. Feeling owes activity to disparagement of his powers in England. Designs of disaffected. Secret organizations, which will probably move on occasion of some external aggression. General alarm driving peaceful people from their homes, many to the United States. Dangerous spirit in border States. Contrast between existing conditions and those described in his despatch of August 9. p. 284

Quebec,
October 20.

Durham to Glenelg. No. 90. *Copy.* Enclosing return asked for in despatch No. 73. p. 324

Enclosure:

Return of appointments made by Durham, since his arrival. p. 326

Quebec,
October 20.

Durham to Glenelg. No. 91. *Draft in Buller's handwriting and copy.* Has accepted resignation of, and granted pension to, Chief Justice Reid. Has not yet appointed his successor. Has taken similar action in case of Chief Justice Sewell, and appointed James Stuart in his place. High opinion of Stuart's abilities. Injustice suffered by Stuart, at instance of Assembly, out of political animosity. p. 332

Quebec,
October 9.

Memorial from Chief Justice Sewell, applying for leave on retiring allowance. Corr. Relating to Affairs B.N.A. 1839. p. 225

Quebec,
October 20.

Durham to Glenelg. No. 92. *Draft in Hanson's handwriting and copy.* Reply to despatch of March 13, respecting the sale of 66,242 acres of Crown Lands in district of Gaspé. Gosford, as Governor General had cancelled the sale. The whole transaction scandalous, chief culprit being Felton, Commissioner of Crown Lands. Details of irregularities. Had transaction stood alone would have confirmed cancellation but being only part of vicious system apparently sanctioned by Government, he could not in justice do so. Malpractices in disposal of Clergy Reserves by same officer. Has confirmed sale, as of two evils, the worse would be diminution of confidence in Government. Entire system must be remodelled. p. 349

Enclosures:

Crown Lands
and
Emigration
Commission,
August 25.

(1) W. H. Petre, Secretary, to W. McDonald, Agent for Crown Lands. Asking for a full and particular account of applications for unsurveyed lands on Bonaventure river, distinguishing between residents in Gaspé and strangers, and of those who proposed to be actual settlers. Corr. Relating to Affairs B.N.A. 1839. p. 228

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McDonald to Petre. Papers destroyed during fire on his premises. Applications for 14,000 or 15,000 acres by proposed settlers. Does not understand term "strangers" to apply to residents in British North America. Larger applicants offered to pay cost of surveys, if allowed to pay for section required. Explanation as to why he did not refer to townships of Cox and Hamilton in letter of June 20.

1838.
New Carlisle,
September 14.

Corr. Relating to Affairs B.N.A. 1839. p. 228

Durham to Glenelg. No. 93. *Draft in Wakefield's handwriting and copy.* Gross evils in existing system of Emigration inspection. Will deal fully with subject in general report. In meantime, many ill-effects of present arrangements could be remedied by efficient administration of law then in force.

Quebec,
October 20.

p. 393

Enclosure:

Evidence of Charles Poole, M.D. Inspecting Physician, Quarantine Station, Gross Isle.

Corr. Relating to Affairs B.N.A. 1839. p. 229

Durham to Glenelg. Confidential. Conferred with Colborne, regarding information in Fox's letter. Found it tallied with what Colborne had learned. He and Colborne agreed it was necessary for him to go to England directly to lay information before Government. Regrets inability to visit President, United States. Will sail on "Inconstant" leaving about November 1st. Colborne given full power to raise what volunteer force he thinks necessary. Regulars may become *points d'appui* for 30,000 or 40,000 volunteers. All this disturbance due to proceedings of Cabinet and House of Lords. "The change from tranquillity to excitement, from peace to war, from confidence to distrust, has been more rapid than the wildest imagination could have ventured to predict: Colborne seems equal to emergency."

Castle of
St. Lewis,
October 20.

Q. 248 p. 154

Durham to Glenelg. No. 94. *A.Dft. Initialed.* Enclosing report of Sir C. FitzRoy, on the Magdalen Islands, which are nominally part of Lower Canada, but in reality are under no government whatever.

Quebec,
October 22.

p. 406

Enclosure:

FitzRoy to Durham. Report on Magdalen Islands. (In Section 3, vol. 2, p. 679).

Government
House, P.E.I.,
September 20.

Durham to Glenelg. No. 95. *A.Dft. Initialed.* Referring to despatches Nos. 99 and 105, urges that supplies be sent immediately to Quebec and Halifax, and that regiment sent from Halifax to Quebec be replaced. Forces must be considerably strengthened, unless change takes place in border States.

Quebec,
October 22.

p. 409

Durham to Glenelg. No. 96. *A.Dft. Initialed.* Acknowledgment of despatches Nos. 96 to 106.

Quebec,
October 24.

p. 412

Durham to Glenelg. No. 97. *A.Dft. Initialed.* Enclosing memorial from Roman Catholic Bishops of province respecting missions among Indians.

Quebec,
October 24.

p. 414

Enclosure, *Original*:

Memorial signed by the Bishops of Quebec, Montreal and Sidyme, Coadjutor of Quebec. In French. Praying for the continuance of the grants for education of Indians; for the appropriation of the revenues from Jesuit Estates for this purpose and general Catholic education; and against projected laws affecting laws, customs, language and other guaranteed rights.

Quebec,
October 20.

p. 416

Durham to Glenelg. No. 98. *A.Dft. Initialed.* Appointment of Solicitor General to Chief Justiceship of Montreal, and of Andrew

Quebec,
October 25.

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1838. Stuart to Solicitor Generalship. Attorney General declined Chief Justiceship. Andrew Stuart eminently fitted for his post. Colborne concurs in appointments, which were made at Colborne's desire. p. 426
- Quebec,
October 26. Durham to Glenelg. No. 99. *Draft in Buller's handwriting and copy.* Acknowledging despatch (No. 43) relating to division of duties between Upper and Lower Canada, and No. 62 respecting surplus revenue from Post Office. Proposes to deal with these in considering general plan. p. 429
- Quebec,
October 26. Durham to Glenelg. No. 100. *Copy.* Has referred to Commission on Crown Lands, the subject matter of despatch (No. 72). p. 437
- Quebec,
October 26. Durham to Glenelg. No. 101. *A.Dft. Initialed.* Enclosing address from Clergy of Established Church of Upper Canada, on Clergy Reserves. p. 439
- Toronto,
October 11. Enclosure, *Original:*
Memorial from Bishop of Montreal, and the Archdeacons of Kingston and York, expressing their conviction that the Clergy Reserves were designed for the benefit of the Anglican Church alone, and appealing to have this view recognized by Government. p. 440
- Quebec,
October 26. Durham to Glenelg. No. 102. *Draft in Buller's handwriting and copy.* Enclosing memorial from Mr. Wicksteed, containing objections to principles of compensation to officers of suspended Legislative bodies in Lower Canada, laid down in "Separate" despatch of June 29. p. 441
- Quebec,
October 25. Enclosure:
G. W. Wicksteed to Buller. Appeal that he and other members of the Civil Service may not suffer from the proposed change in the system of government. Q. 248 p. 230
- Quebec,
October 26. Durham to Glenelg. No. 103. *Copy.* Replying to request for return respecting persons and property of those convicted in Lower Canada of treason, misprision of treason and felony, since October 1, 1837, states no person has been convicted of these crimes since that date. p. 447
- Quebec,
October 29. Durham to Glenelg. No. 104. *Copy.* Transmitting certificates of baptism of two persons named Louis Perrault. p. 451
- Quebec,
October 20. Enclosures:
J. F. Perrault to Buller. In French. Transmitting documents required. Q. 248 p. 244
- Quebec,
October 29. Durham to Glenelg. No. 105. *Copy.* As requested in despatch (No. 58) transmits set of acts passed under his government, with returns called for by House of Commons on May 8. p. 454
- Quebec,
October 30. Durham to Glenelg. No. 106. *Draft in Hanson's handwriting initialed by Durham.* Plight of Chelsea Pensioners who came to Canada. Encloses memorial from Edward Shuel, one of them. Scheme of Government regarding them almost entirely frustrated. Result as regards Pensioners disastrous, due partly to defects in arrangements for their supervision. Money brought with them rapidly dissipated. Not one in three attempted to take advantage of grants, not one in six on land at that time. Wretched conditions of life for remainder. Scheme foredoomed to failure, must have been formed in entire ignorance of situation of immigrants, which he describes. Many sent out were maimed in some way. Many applying to have pensions restored. Their claim a strong one. On approach

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of winter, they are great burden to settlers, who are compelled in 1838.
humanity to assist in their support. p. 456

Enclosure:

Petition of Edward Shuel.

Q. 248 p. 259

Quebec,
September 20.

Durham to Glenelg. No. 107. *Draft in Hanson's handwriting initialed by Durham.* The case of "squatters" on Crown Lands. Their number considerable, and occupation in many cases for several years. Many improvements made. Uncertainty of tenure adds to general discontent. Inability to obtain land by purchase owing to vicious system prevailing, which is described. Squatters only persons who have done anything to give them a claim to land acquired. All large acquisitions of land held without performance of conditions. He has issued proclamation giving all *bona fide* settlers up to September 10, a right of pre-emption at upset price. p. 493.

Enclosure:

The Proclamation. Corr. Relating to Affairs B.N.A. 1839. p. 237

October 31.

Durham to Glenelg. No. 108. *A.Dft. Initialed.* As requested by despatch (No. 22), encloses report of Major Head on military survey of portion of frontier between Lower Canada and New Hampshire. Importance of settling boundary to prevent disputes arising daily with ensuing hardships, and danger of collision between authorities on each side. p. 524.

Quebec,
October 30.

Enclosure:

C. F. Head, Major, Assistant Commissioner, Crown Land and Emigration Committee, to Buller. *L.S.* His report. Surveyed belt from the Connecticut about 50 miles towards the St. Lawrence. Disputed territory east of the Connecticut where it meets line 45 is portion of Drayton township called Indian Stream territory, between two branches of river. British claim eastern branch as Connecticut, the Americans the western branch. Inhabitants of disputed territory adopted code of laws until question of boundary settled. New Hampshire occupied this territory with military force three years before. Inhabitants attached to British mostly left territory and seek satisfaction. p. 528.

Quebec,
October 29.

Durham to Glenelg. No. 109. *A.Dft. Initialed.* Enclosing despatch received from Arthur. Will confer with Colborne on subject. Hardships endured by soldiers on account of deductions from pay for extra necessities. p. 532.

Quebec,
October 30.

Enclosure:

Arthur to Durham. No. 23. (In Section 3, vol. 2, p. 902).

Government
House,
Toronto,
October 24.

Durham to Glenelg. No. 110. *Draft apparently by Turton and Buller, initialed by Durham.* Case of various prisoners under sentence of death or transportation. Enclosing extract from report of Sewell respecting 11 cases, recommended for transportation. Sewell strongly recommends retention of transportation as chief secondary punishment. Inadequacy of accommodation and bad condition of jails. The eleven referred to, sentenced to transportation. They will be sent to England. Plea against abolition of transportation. p. 535.

Quebec,
October 30.

Enclosure:

Report of Sewell and other judges, pointing out that under the terms of despatch of March 2, 1835, stating that the cost of the trans-

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1838.

portation of prisoners from Canada to England must be borne by Canadian Government, while their transportation from England to their place of exile would be paid by the British Government. Provincial enactments, provided for the charges for conveyance to England; that, by despatch of May 25, 1837, the Governor was directed to commute sentences of transportation, for terms of imprisonment or such other punishment as would be practicable under provincial laws. Having no penitentiaries or power to inflict solitary confinement or hard labor, it is almost impossible to provide means of adequate punishment, when necessary. In four cases mentioned, they recommend that the sentences of transportation for seven years be carried into effect, and, in eight other cases where death sentence has been pronounced, to commute this into transportation for life.

Corr. Relating to Affairs B.N.A. 1839. p. 238

Quebec,
October 30.

Durham to Glenelg. No. 111. *Draft initialed*. Acknowledging despatch (No. 97) of August 29, respecting application of British American Land Company to have moiety of purchase money applied to promote emigration to their lands. Approval of principle, which will be embodied in his comprehensive report. At present does not recommend application, but hopes his general scheme will make proposal acceptable. p. 543

Quebec,
November 1.

Durham to Glenelg. No. 112. *Copy*. Enclosing continuation of correspondence with Arthur. p. 551.

Enclosures:

Government
House,
Toronto,
September 27.

(1) Arthur to Durham. No. 20. (In Section 3, vol. 2, p. 709).

Government
House,
Toronto,
September 26.

(2) Arthur to Durham. (In Section 3, vol. 2, p. 705).

Quebec,
November 1.

Durham to Glenelg. No. 113. *A.Dft. Initialed*. Purposes embarking on "Inconstant" that day, proceeding direct to Plymouth. p. 553

Quebec,
November 1.

Durham to Glenelg. No. 114. *Copy*. Referring to despatch (No. 94) of August 23, has directed Major Phillpotts of Royal Engineers to make survey of Welland Canal and perform other services mentioned in despatch. p. 555

Enclosure:

October 17.

Estimate of Expense of Survey.

Corr. Relating to Affairs B.N.A. 1839. p. 243

H.M.S.
"Inconstant,"
at Sea,
November 10.

Durham to Glenelg. No. 115. *A.Dft. Initialed*. On morning of sailing, had interview with Sheriff Macdonell from Kingston, who informed him of unwillingness of volunteers and militia of Upper Canada to tender active services, on account of conviction of British Government's indifference to their fate. Gave strong assurances as to error of this impression. Lower Canadian population of British origin entertain same conviction. p. 558

H.M.S.
"Inconstant"
at Sea,
November 10.
Military
Secretary's
Office,
Quebec,
October 31.

Durham to Glenelg. No. 116. *A.Dft. Initialed*. Enclosing memorandum of arrangements for distribution of Regular and Volunteer forces in two Canadas. p. 562

Enclosure:

Memorandum mentioned. (In Section 4, p. 881).

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Durham to Glenelg. No. 117. *A.Dft. Initialed.* Arrival that day at 11 P.M. Will proceed to London as soon as arrangements complete. p. 564

1838.
H.H.S.
"Inconstant,"
Plymouth
Sound,
November 26.
London,
December 8.

Durham to Glenelg. No. 118. *A.Dft. Initialed.* On arrival previous day, received despatches Nos. 125, 126, 133, 134. Referring to last, encloses formal resignation. General report delayed until return of gentlemen connected with his administration. p. 566

Durham to Grey. *A.L. Initialed and copy.* Accepting offer to send him copies of despatches addressed to Colborne, but in answer to his own despatches; also, offering any information desired by Government. p. 569

Cleveland
Row,
December 10.

Durham to Glenelg. *A.L. Initialed.* Replying to letter of 10th will present his report soon after arrival of Buller, whose presence is necessary to its completion. In mean time, will furnish any information immediately necessary. p. 572

Cleveland
Row,
December 20.

Durham to Grey. *Private. Copy.* Enclosing letter to Glenelg. Report will contain all necessary suggestions for general plan, and also Land Question plan. p. 575

Cleveland
Row,
December 21.

Durham to Grey. *Draft in pencil and copy.* Enclosing memorial received from Parker of Upper Canada. p. 578

Cleveland
Row,
December 24.

VOLUME III.

Durham to Grey. *Copy.* Transmitting petition from Samuel Chandler; also, letters from three State prisoners now at Liverpool. p. 1.

1839
Cleveland
Row,
January 1.

Durham to Glenelg. *Copy.* Transmitting report on the form and future government of the provinces of Upper and Lower Canada. p. 3

Cleveland
Row,
January 31.

Durham to Grey. *A.L. Initialed.* Respecting suppressions in different despatches respecting Turton. He did not ask for them, but acquiesced in proposals of Government respecting them. p. 5

Cleveland
Row,
February 1.

Durham to Glenelg. *A.L. Initialed.* Enclosing Appendix A, to his report. Appendix B. in hands of printer. p. 7

Cleveland
Row,
February 6.

Durham to Normanby. *Copy.* Transmitting Appendix B. to his Report. Takes occasion to mention Wakefield "who has rendered the Commission valuable assistance." Having had impressed upon him the importance of the subjects of colonization and emigration, and being aware of Wakefield's intimate acquaintance with these subjects, he invited Wakefield to accompany him. He had no reason to believe Wakefield's appointment would be unacceptable to Government, which had already received benefit from his suggestions regarding Public Lands. His intention was to place Wakefield at head of Commission on subject. Previous to Wakefield's arrival in Canada, Glenelg requested that he should have "no regular appointment under the Crown" but there would be "no objection to his employment unofficially." Wakefield on being informed refused to accept any public employment, but offered to co-operate with the others, in the same way as if he had been regularly appointed. He therefore gave his services without remuneration of any sort, either from the public or from Durham. If the report on this subject is as satisfactory as it seems to him, Durham felt "bound in fairness to take this means of ensuring to Mr. Wakefield the chief share of the merit." p. 10

London,
February 28.

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1839.
Cleveland
Row,
March 9.

Durham to Lord Normanby. *Copy.* Respecting a Return called for by Parliament. The appointments of Buller and Ellice were not accompanied by any official instruments. Ellice received no salary, Buller only as Chief Secretary of the Commission. p. 15

Cleveland
Row,
May 14.

Durham to Normanby. *A.L. Initialed.* Calling attention to his Canada accounts. p. 17

Cleveland
Row,
May 25.
May 31.

Durham to Normanby. *A.L. Initialed.* Transmitting Appendix D. p. 20

Durham to Normanby. *Draft by Turton, signed by Durham.* Transmitting the last portion of Appendix, consisting of reports by Buller on incorporation of Seminary of St. Sulpice and enfranchisement of Montreal from Feudal Tenure; and by Turton on establishment of General Registry of Lands in Lower Canada, with draft of ordinance for effecting same. Unnecessary to explain expediency of prompt consideration of these. Reports could not be finished in time to enable him to propose ordinances respecting them. Has learned that Colborne and Special Council have passed ordinance founded on Buller's agreement as to St. Sulpice with Superior of Order, for Imperial sanction of ordinance. Wide approval of ordinance in province; no indication of opposition. Presses it strongly on attention of Government. If measure respecting registration meets with approval of Government, suggests that it be recommended to Special Council with proviso that it shall not be effective until confirmed by Imperial Act. p. 22

Cowes,
September 2.

Durham to (Normanby). *A.L. Initialed.* Respecting one of his accounts. Colonel Couper to call at Colonial Office with explanations. Mr. Routh, Commissary General in Canada, rendered him great service. p. 27

Undated.

Durham to Lord John Russell. *Draft in Couper's handwriting.* Recommending that Lower Canada should be charged with £800 on account of furniture, paid for by Imperial Treasury, and on his departure transferred to residence of Governor General. p. 30

(1839)

"Memoranda respecting matters referred to in Despatches from England, and to be attended to and noticed in Despatches from Canada, other than General Political Instructions." p. 37

SESSIONAL PAPER No. 23

SECTION 3. CORRESPONDENCE BETWEEN LORD DURHAM AND THE BRITISH MINISTER AT WASHINGTON, THE LIEUTENANT GOVERNORS OF THE PROVINCES AND THE GOVERNOR OF BERMUDA.

VOLUME I.

Glenelg to Officer administering Government of Prince Edward Island. No. 52. *Copy.* Acknowledging despatches (Nos. 24, 26), respecting certain proceedings which took place at Hay River, with reference to Government's decision on request for establishment of Court of Escheats. Approval of Harvey's steps to counteract and suppress unconstitutional doctrines embodied in address adopted at that meeting; also, of the course pursued by Assembly with reference thereto. Regret at distress of tenantry. Government can only interfere as mediator between tenants and landlords, and hopes the letter addressed by Harvey to latter, will induce them not to press with severity on tenants. Should opportunity arise, Government will support Harvey's representations. p. 1

1837,
Downing
Street,
May 1.

Glenelg to Harvey. No. 18. *Copy.* Enclosing correspondence between the Colonial and the Foreign Offices, respecting the Maine boundary, having particular reference to the projected Quebec and St. Andrews railway. United States protest against the line proposed for railway as it runs through disputed territory. Government recognize force of objection and will not sanction any line running through territory, the title to which is not beyond question. Government entertain hope that United States may relax opposition to railway. p. 7

Downing
Street,
June 8.

Enclosure:

H. S. Fox to Palmerston. No. 9. *Copy.* Enclosing letter from Secretary of State for United States. Has communicated it confidentially to Colonial Governments concerned. p. 11

Washington,
March 29.

Sub-enclosures:

(a) John Forsyth to Fox. *Copy.* Protesting against the prosecution of the project of a railway running through disputed territory, and expressing strong desire in view of legislative action in the British North American Provinces and in Maine to have question of boundary speedily settled. Invites attention to a proposition made by him in 1835 suggesting St. John river from mouth to source as suitable boundary. p. 15

Department
of State,
Washington,
March 23.

(b) Fox to Forsyth. *Copy.* Acknowledging foregoing letter, and promising to bring it to attention of his Government. p. 25

Washington,
March 28.

(c) Backhouse to Stephen. *Copy.* Transmitting foregoing correspondence for consideration, and stating that Palmerston has learned from another source that the projected railway would run for considerable distance through territory which according to principle of division hitherto contemplated, belonged to United States. p. 28

Foreign Office,
May 10.

Glenelg to Harvey. Separate. *Copy.* Enclosing letter from Foreign Office, expressing Palmerston's concurrence in instructions conveyed by despatch of even date. p. 31

Downing
Street,
June 8.

Enclosure:

W. Fox Strangways to Stephen. *Copy.* Concurrence of Palmerston in instructions. Palmerston will sound United States as to probability of sanctioning line projected but has little hope of favour-

Foreign Office,
June 7.

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1837. able outcome. Line would pass over territory which, even according to the Conventional Line proposed by Great Britain, would belong to United States. p. 34

Fredericton,
August 3. Harvey to Glenelg. No. 32. *Copy*. Enclosing copy of letter from Secretary of Quebec and St. Andrews Railroad Association, promising full obedience to commands of government. p. 38

No enclosure.

Government
House, Prince
Edward
Island,
October 3.

(Sir Charles FitzRoy) to The Proprietors of land in Prince Edward Island. *Printed Circular unsigned*. Excitement among tenantry and settlers on question of Escheat. Has visited settlements throughout Island. Found settlers obdurate in demands. Grounds of complaint undoubtedly exist. Regret at having received no communication from proprietors. Hard lot of settlers for long period of years. Many are ignorant of legal conditions, others deluded. Instances of latter: a party in Guernsey purchased lands at high price; on arrival found lands did not exist. A group of Acadians spent £1000 towards purchase of township; receiver of money had no right to make sale; these people are now mere tenants at will. People much excited. High Sheriff has been resisted. Governor, though sympathetic with settlers, insisting on obedience to laws. But general discontent promising ill-consequences. Remedy lies with proprietors. Let them grant long leases at customary rent, payable in produce, or sell on 20 years' purchase; or pay for improvements at end of lease. Plans indicated working with complete success in sections where proprietors have acted upon them. Is sending copy of this Circular to Secretary of State with other information showing causes of discontent. p. 40

1838.
Downing
Street,
January 4.

Glenelg to FitzRoy. *Copy*. Enclosing copy of correspondence with G. R. Young. Regrets for disturbances. While making every allowance, must insist on observance of law. Suggests a proclamation repeating decision on Escheat question, and warning settlers as to consequences of continued resistance to law. Before taking action FitzRoy will lay this despatch before Executive Council, and report their proceedings to him. p. 44

Enclosures:

1837. (1) Young to Glenelg. *Copy*. Enclosing letters on conditions in Island, and asking for reply to requests made in interview.

23 Sackville
Street,
December 26.

G. 276 p. 9

Sub-enclosures:

Prince
Edward
Island,
November 18.

(a) Private letter. *Extract*. Agitation on Escheat question increasing; numerous meetings held, and resolutions not to pay rent adopted, particularly in King's County. Governor's Circular most unfortunate in its effect. G. 276 p. 13

September 18.

(b) H. D. Morpeth to Thomas Owen, High Sheriff. *Copy*. Enquiring as to nature of opposition to execution of writ. G. 276 p. 15

October 14.

(c) Owen to Morpeth. *Copy*. Account of ineffectual efforts to get execution writs. G. 276 p. 16

1838
Downing
Street,
January 2.

(2) Sir George Grey to Young. *Copy*. Replying to application for FitzRoy's report on conditions. Glenelg adheres to decision already communicated by letter of December 20, FitzRoy's report being confidential. FitzRoy being instructed to take measures to undeceive tenantry, to allay excitement, and to vindicate law. G. 276 p. 17

Washington,
January 5.

Fox to Palmerston. No. 1. *Copy*. Despatch received from Head, with account of invasion of Navy Island by armed body of Amer-

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icans. Representation at once made to Secretary of State of United States, who made statement of intentions of Government. President has issued proclamation urging observance of neutrality; also, sent message to Congress asking for strengthening amendment to law bearing on crisis. Encloses newspaper with proclamation. Has just heard of destruction of "Caroline" but has no authentic statement.

p. 50

Enclosure:

Fox to Head. *Copy.* Acknowledging letters of 23rd and 24th ultimo. Information same as given to Palmerston, with these additions: General Wool to proceed at once to take charge of district between Fort Niagara and Plattsburg with such troops as he can collect; armed revenue vessel ordered to Buffalo. Fox sceptical as to efficacy of measures. United States Marshal at Buffalo ordered to proceed *at all risks* to arrest law breakers. United States Government sincere in desire to avoid trouble, but measures nullified by popular will.

p. 58

FitzRoy to Glenelg. Separate. *Copy.* Another grievance in Island relates to Reserves for Fisheries retained in original grants. Order in Council sanctioning original grants required, in case of lands abutting on sea, that 500 feet above high-water mark be reserved for purposes of free fishery for all British subjects. The requirements of this Order complied with strictly in only case of 12 townships; in 32 townships the grants contained reservation of 500 feet "for the disposal of His Majesty, His Heirs and successors" "to erect stages and other necessary buildings for carrying on the fishery"; of remaining 23 townships, 18 contain no fishery reservations, and five grants cannot be found on records. Several grants containing reservations abut on rivers only, or (more strictly speaking) narrow arms of the sea. All islands on coast contain reservations agreeably to Order. Proprietors, however, have exercised acts of ownership over reserves by including them in leases or otherwise disposing of them in fee simple with adjacent lands. Most leases contain clause subjecting lessees to all conditions of original grant. Colonial Government has, in a few instances, in cases where *the reservation is to the Crown* exercised authority by granting licences of occupation to persons engaged in fisheries. He himself has granted licences of occupation in two cases where applicants were freeholders, to extent of the fronts of their farms. Has received numerous applications from tenants for similar licences, but, as it appeared that applications were for defeating landlords' claims for rent, and not for *bona fide* purpose of fishery, he has not granted such, but will await instructions.

Invites attention to correspondence in Colonial Office on subject, which he summarizes as follows: On March 22, 1833, Robert Stewart agreed to accept lease of fishery abutting on his property at reasonable rate. On March 25, the Lieutenant Governor was authorized to grant to Stewart or any other proprietor similarly circumstanced a lease of such portions of the space of the 500 feet reserved to Crown as may border on property of applicants. Lieutenant Governor in two despatches of May 22 explained why in many cases Crown had no power to grant leases on these reserves, and why, even where it had the power, it was inexpedient to grant leases for any but very short terms. Secretary of State approved of Lieutenant Governor's

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1838. views, at the same time sending correspondence had with Stewart, in which latter had endeavoured to mislead Secretary of State in following particulars. (1) As to existence of fishing establishment; (2) as to natural obstacles which he asserted were opposed by coast to extension of fisheries; (3) as to terms of reservations; (4) as to impediments Stewart asserted these reservations caused to settlement. Stewart had no excuse for misstatements, particularly as to terms of grant of principal part of his property (Lots 10 and 47), which *secured the fishery reserve to all His Majesty's subjects and not to the Crown*. Considerable agitation on subject. His determination to grant no more licences until further instructed has been criticized. Asks for early instructions as applications will probably be made, with much plausibility, for renewals of licences at opening of fishing season. Urges impolicy of relinquishing reserves which are in Crown, to proprietors. Would probably weaken strong sentiment of colonists towards Mother Country. p. 67

Washington,
January 13.

Fox to Palmerston. No. 3. *Copy*. Conditions at Navy Island apparently unchanged. Mackenzie arrested in Buffalo was bailed by American citizens. Effect of measures of American Government still uncertain. Dilatory conduct of Congress towards President's message on amending law. Government assuring him of determination to do utmost to restrain its citizens; but that utmost is not sufficient. Destruction of "Caroline" causing great uproar. Complaints from United States Government. Will follow advice of Head as to answer. Angry discussions in Congress. President has called out militia to protect border, and placed General Scott in command. Scott superior man, who will do utmost to restrain lawlessness on American soil, as well as protect it from invasion. Transmits papers. Has no news from Canadian sources as to "Caroline". Justifies action of Canadians on general grounds. p. 77

(No enclosures.)

Washington,
January 21.

Fox to Palmerston. No. 4. *Copy*. Course of bill amending law, which seemed likely to be enacted in short time. Sends copy. In discussion, attempt to connect immediate lawlessness with North Eastern Boundary, and angry observations on "Caroline" not supported in Senate. Bill satisfactory in terms, but will depend for efficacy on good will of authorities. Intimation of dilatory conduct in Congress corrected. General Scott has reached Buffalo with Governor and other officers of New York State. Scott striving faithfully to restrain lawlessness. State officials also showing more activity. The change for better, due to recognition of hopelessness of rebel cause, and of loyalty of inhabitants of Upper Canada. Assemblage at Navy Island apparently increasing, but food shortage will probably lead to dispersal in short time. "Caroline" continues to excite feeling. United States Government evidently intend using incident as offset to complaints of invasion of Canada; are busy collecting evidence. p. 87

(No enclosures.)

Washington,
January 29.

Fox to Palmerston. No. 5. *Extract*. Bill for enforcement of neutrality would probably become law next day. Arthur will report fully, occurrences at Niagara and in Michigan. Gives such information as has reached him. Mackenzie's and Van Rensselaer's gang at Navy Island decamped on January 14, giving up arms to State authorities. Gang consisted of between 600 and 700 fighting men. Leaders

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proclaim intention of recommencing operations in Michigan, though he is not apprehensive of consequences. Van Rensselaer arrested but bailed, a disgraceful proceeding. On 23rd and 24th, vague accounts of invasion from about Detroit began to arrive. Proceedings quite open, in defiance, if not with connivance, of State authorities. Arms and ammunition taken from public arsenals, and vessels equipped publicly. Attack failed owing to loyal resistance of Canadians. No official news had reached Government at Washington. Post tardy; also, detained by State officers. Encloses series of articles from United States newspapers. On 24th, Fox addressed remonstrance to Secretary of State, which, with reply, he encloses. United States Government helpless, has no more control over States than Turkish Sultan has over Tripoli or Algiers. Question as to redress to be demanded by Great Britain. Owing to defective institutions, no possibility of punishing delinquents. It would seem that threat of war only alternative. This he deprecates. Suggests using occasion of American demands respecting "Caroline" to bring United States to realize the situation. p. 97

(No enclosures.)

Fox to Palmerston. No. 6. *Extract.* Enclosing printed copy of message of Governor of Maine to Legislature. Discussion of North Eastern Boundary more temperate. Political complexion of Legislature. Sends newspapers showing attitude of politicians towards Great Britain. p. 112

(No enclosures.)

Fox to Palmerston. No. 7. *Extract.* More favorable turn on Upper Canadian frontier. General Scott displaying great activity. Hostile attitude of many American citizens of wealth and power. Scott having Lake Erie shores patrolled by chartered vessels; and is co-operating with British officers. Owing to general hostility of Americans, danger not over, but there is more room for hope. p. 118

Fox to Palmerston. No. 8. *Extract.* Probability that some time will elapse before United States Government answer Great Britain's offer respecting North Eastern Boundary, as much consultation is necessary. Secretary of State has addressed two controversial notes to him on subject. p. 124

Fox to Palmerston. No. 9. *Extract.* Colborne informed him of intelligence of attack on Lower Canada by combined force of Canadians and Americans stationed in and about Plattsburg and Champlain. Secretary of State promises immediate attention, and is sending Scott to Plattsburg. Notes cautious and reluctant tone of Secretary of State. Has hopes piratical assemblage will be broken up. News from Niagara and Michigan continues favorable. Scott's admirable conduct throughout. Upper Canada however still on war footing. Enclosing documents. Neutrality Bill still held up in House of Representatives. p. 128

Fox to Palmerston. No. 10. *Copy.* Another attack from Michigan under way in defiance of efforts or pretended efforts of United States authorities. Expedition expected to set out on 22nd. Intelligence obtained from United States official sources, which he mentions and sends copies of. Correspondence shows United States authorities to be "fairly mastered by an army of pirates who are openly marching through the country for the invasion of His Majesty's Territories." Question is as to expediency of pursuing pirates on

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American territory. Neutrality Bill engaging lengthy discussions. Danger that bill may be much weakened. Public feeling in United States towards Canada markedly worse in all quarters. Chances of maintaining peace less than they were. Enclosing papers. p. 134
(No enclosures.)

Doctors'
Commons,
February 21.

J. Dodson, J. Campbell, R. M. Rolfe, (Law Officers) to Palmerston. *Copy.* Opinion respecting destruction of "Caroline". After recital of circumstances they say "we are of opinion that the place where the "Caroline" was moored was not justly entitled to the privileges of a Neutral Territory, and that the British forces, with a view of self-preservation, were fully justified in attacking the "Caroline" and treating her as a belligerent vessel." p. 155

Government
House,
Fredericton,
May 31.

Harvey to Durham. No. 1. *A.L.S.* In accordance with instructions from Colonial Secretary of April 3, he is communicating to Durham condition of affairs in his Government. Transmits copy of "Annual Blue Book" for 1837, with accompanying despatch to Colonial Secretary; also copy of despatch to Colonial Secretary of April 17, in consequence of resolutions adopted by Maine Legislature requiring the Governor to proceed with survey and location of boundary claimed by that state under treaty of 1783, in case United States Government may not appoint commissioners for that purpose. In previous autumn he made protest against similar action to Government of Maine, which with a detachment of troops had effect desired. Enclosed copy of his letter to Governor. Two regiments in province. People of Maine excited and may act in disregard of authorities. In absence of contrary instructions, will renew protest, and if disregarded, will despatch troops to district. Would desire Durham's instructions. Is in communication with Minister at Washington. Asks for more precise information as to letter of 3rd ultimo respecting nature of information desired by Durham. Invites attention to Lord Aberdeen's note to Mr. Lawrence of August 14, 1828, on boundary question. p. 167

Enclosures:

Government
House,
Fredericton,
May 18.

(1) Harvey to Glenelg. No. 33. *Copy.* Transmitting Blue Book for 1837. Satisfactory conditions in province as respects the peace, good order, loyalty and contentment of people. By surrender to Provincial Legislature of Casual and Territorial Revenues in return for Civil List, every grievance was removed. Provincial Legislature feels it has acquired right to control all provincial expenditures and has shown readiness to meet views of Executive. He is studying commercial interests. Effects of fire in St. John in 1836 disappearing, a better class of buildings being erected. Laws well administered. His effort to make magistracy rather less exclusive; difficulties owing to political feeling and restricted educated class. His encouragement to the admirable feeling, which pervades the militia population—though reluctant to give time for training, they would be ready for an emergency. Legislature showing liberal spirit towards education. Agriculture engaging more attention of people. He is arousing interest in geological survey; minerals are believed to be abundant; coal of good quality said to be in great quantities. Only obstacle retarding development of resources is unsettled boundary. Desirability of connecting waters of Bay of Fundy with those of Gulf of St. Lawrence. p. 178

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(2) Harvey to Glenelg. No. 23. Political and confidential. *Copy.* Sending newspaper extracts, containing message from Governor of Maine and resolutions of that legislature to effect noted in immediately foregoing letter. The resolutions also urge erection of fortification on eastern boundary to control people in Madawaska settlement. Has communicated with Minister at Washington, and asks for instructions from Colonial Secretary. Is of opinion that question is being made subservient to party purposes. p. 186

Sub-enclosure:

Harvey to Governor, State of Maine. *Copy.* E. S. Greeley having resumed exercise of jurisdiction within province of New Brunswick, to be supported by force, if necessary, by Governor. He states he is under instructions to prevent exercise of jurisdiction by foreign power within disputed territory, till question has been settled. Government of United States having acquiesced, Harvey is acting within declared wishes of both governments. Will employ whole military force of British America, if necessary, in carrying out instructions. Appeals to Governor to prevent any overt act on part of his citizens which may lead to collision. If Governor of Maine desired number of inhabitants in Madawaska settlement, Harvey would have been glad to furnish it. What he objected to was the assumption of the right on the part of Governor of Maine to take such a census. p. 190

Durham to Lieutenant Governors of Upper Canada, New Brunswick and Prince Edward Island. *Copy.* Sending copy of his commission, and requesting most free and confidential communications on all subjects affecting Government of latter. No interference with administration of Government contemplated, but it is necessary that he, as Governor General, should be immediately informed of all matters of general interest affecting his mission. p. 198

Colonel Couper to Lieutenant Governors of Upper Canada, New Brunswick and Prince Edward Island. *Copy.* Transmitting, in pursuance of Instructions in Glenelg's No. 8, a copy of Durham's commission to each lieutenant governor to be deposited in Provincial Archives; also a commission renewing the appointment of each. p. 201

Durham to H. S. Fox. No. 1. Enclosing reports of Dundas and other papers, relating to the burning of the "Sir Robert Peel", and the state of the frontiers in the same vicinity. Colborne left Quebec day before to go to frontiers. Colonel Grey, bearer of this letter, being sent for purpose of communication with Fox. Learns that Arthur has also sent Fox accounts of this act of aggression. Fox to inform President of United States that this condition of affairs must cease. He himself determined to protect lives and property against these lawless attacks. He is convinced that United States will prevent repetition of offences. Q. 246 p. 101

Arthur to Durham. No. 1. *L.S.* Acknowledging receipt of despatch (No. 1) of 1 June, also, two commissions. Is ready, as instructed by Colonial Secretary and requested by Durham, to enter into free and confidential communication with latter. Will be grateful for his counsel and assistance. Was apprehensive on receipt of Glenelg's "Circular" that his authority, and consequent ability to serve Her Majesty, would suffer diminution. As showing condition of province he quotes from private letter he wrote to Glenelg. Dis-

1838.
Government
House,
Fredericton,
April 17.

1837.
Government
House,
Fredericton,
September 10,

1838
Chateau
St. Lewis,
June 1.

Chateau
St. Lewis,
June 1.

Quebec,
June 5.

Government
House,
Toronto,
June 9.

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affection more widely spread than his predecessor permitted himself to believe. Republican notions held by large numbers. Party of opposite politics not less extreme, stronger in property and personal influence. On American frontier, mobs of mischief makers. Jails full of traitors. Religious differences running high. Religious institutions and education very low. Financial conditions discouraging, troops without proper barracks, while inducements to desertion attractive. Legislature opposed in many important particulars to policy of Colonial Office. Importance of settling Clergy Reserves question. Hopes to effect this next session on lines of settlement in Van Diemen's Land. Another outrage on Amherst Island by the Johnson gang. Will confer with Colborne on measures to be taken. Unfortunate occurrence of two militia men firing on American steamer, the "Telegraph". Has issued a militia general order which he hopes will satisfy Americans. American Patriots' attempt to cross at Niagara frustrated. p. 203

Enclosure:

Adjutant
General's
Office,
Toronto,
June 4.

Militia General Order. *In print.* Strict investigation made into circumstance of firing upon the "Telegraph". It appears to have been purely accidental. Notwithstanding destruction of the "Sir Robert Peel" no act of violence or retaliation on peaceable American citizens to be permitted. p. 217

Government
House, Fred-
erickton,
June 9.

Harvey to Durham. No. 2. *A.L.S.* Acknowledging despatch (No. 1) with much satisfaction. Glad to find he has anticipated wishes and instructions as to communications required. p. 219

Government
House, Fred-
erickton,
June 12.

Harvey to Couper. Personal. Advantage of personal communications on public business. As he is required by commission sent to him to act in pursuance of Instructions accompanying it, he suggests that the Instructions, or necessary parts of same, be sent to him. Papers which he sends will acquaint him with another subject of great interest, improved communication between Canada and Maritime Provinces. p. 223

(No enclosures.)

Government
House,
Toronto,
June 15.

Arthur to Durham. No. 2. *L.S.* Course pursued towards persons concerned in rebellion. Enclosing copies of despatches Nos. 7, 9, 14, 30 to Glenelg. Difficulty with case of Theller, British-born naturalized American. His opinion is that he should be executed, but has referred case to Government in England. Another difficulty is case of pure foreigners. They are not traitors, nor, strictly speaking, pirates, nor entitled to be treated as prisoners of war. They are being held as quasi prisoners of war and sent to Quebec, till Her Majesty's pleasure be known. Case of Sutherland dealt with in despatch (No. 7) to Glenelg. Provincial Act passed under his predecessor, not clearly applicable to case, but by clumsy, though he believes legal, interpretation, it was made to apply, and he has approved sentence of court-martial and referred the case home. Prisoners taken in action at Point Pélee Island stand in same case, and have been referred home with the case of the crew of the "Ann". Regrets difficulty in way of severe and prompt punishment, which is being attributed by these people to fear. Wishes a few had been shot when taken. Has been pondering on question of pursuing brigands into American waters; necessity of care in instructions to commanders on lakes. Regrets that Colonial Secretary has not been more prompt in expression of sentiments, the case of the "Ann" and

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Point Pélée invasion having been reported by his predecessor. Is ^{1838.} withholding such documents as are very bulky and are not material to correct view of case. p. 231

Enclosures:

(1) Arthur to Glenelg . No. 4. *Copy.* Acknowledging Separate ^{Toronto, April 14.} despatch of January 30. Disagreement with view of Colonial Secretary that there was any essential difference between the rebels in Upper and in Lower Canada. The underlying motive in each province was political, the expectation of plunder in Upper Canada being merely incidental. "In Lower Canada the right was insisted on, of the popular branch of the Legislature sullenly to refuse acting as a legislative body, and to bring to a complete stop all beneficial operations of government, and to assert a supremacy inconsistent with the relations of a colony with the parent state. In Upper Canada arms were taken up with the avowed purpose of assisting the Lower Canadians, and of asserting the same principles, as applicable to this Colony". Same means employed in Upper Canada, when revolutionary party was in majority, as in Lower Canada, stoppage of supplies. They both depended upon foreign assistance. On March 24, jails being full and trials having commenced, he laid Glenelg's despatch before Executive Council. At this time the public, exasperated by injuries and privations endured, were insisting on severe penalties on leaders of rebels. Council, seeing great difficulty of proceeding to extremities with so many, considered schemes for classifying offenders according to measure of guilt. Chief Justice on March 29 reported sentence of death had been passed on Samuel Lount and Peter Matthews. On cases coming before Council on March 31, Governor intimated necessity of devising means for limiting number of trials. Chief Justice and Attorney General being heard, neither could recommend remission. Council agreed, and Governor entirely concurred, prisoners being executed on April 12. These two were most active leaders next to Mackenzie, Rolph, Duncombe and others who fled to United States. Sends copies of Minutes of Council bearing on cases, and labors to show decision was necessary. While Glenelg urges promptness in dealing with cases, Arthur shows benefit of delay in allowing public indignation to cool. There are legal difficulties restraining Executive Government on all sides; if these are disregarded for purposes of mercy, he trusts to be exonerated. Explains procedure, to correct misconception into which Glenelg had fallen. His predecessor had appointed certain commissioners of whom Vice-Chancellor was president for purpose of enquiry and taking depositions of witnesses. They, perhaps not quite legally, allowed certain of the accused to go out on bail, to be tried at any time before ordinary courts. Some of these are dangerous characters who must be tried; but in the great mass of cases, the charges might be dropped if there were any proper means of doing this. On the question of means, Executive Council, on report of Hon. Mr. Sullivan concurred in by the judges, instructed Attorney General not to prefer indictments in the case of persons who are not considered dangerous. There are next the persons who confessed to high treason, and petitioned for grace. Doubt has risen whether Act sparing these peoples' lives, did not contemplate leaving them to less severe punishment. Is satisfied Provincial Legislature could not limit power of Crown in extending mercy; and therefore presumes it was not

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intended. Is having a report drawn up of all cases with recommendations as to the conditions, if any, which should be attached to a pardon. This will take some time. As for secondary punishments, he inclines to belief that there are no cases as bad as those of Lount and Matthews, and therefore no further necessity for capital punishment. He favors transportation in all remaining serious cases, and unconditional pardon in all others. Executive Council not quite disposed to agree with him. They would limit capital punishment, and favor transportation. There are many, however, disaffected for years whom they would banish from Province. He sees dangerous consequences in banishing persons who would go to United States and swell the number of the enemies of country, and perpetuate discontent in the country. Noble conduct of militia decided many a waverer, and not a few disaffected. Large as is the majority of the loyal, the number of disaffected must be large, otherwise "what has become of the large majority that placed Mackenzie in the civil chair only three years ago? or more recently elevated to the same office, Morrison, who is now on bail? or where are the voters who so recently sent these men, and so many of their fellows to the House of Assembly?" These considerations and others induce the belief that those to be punished at all, short of death, should be punished with great severity; and those pardoned, should have unconditional pardon. The only exceptions he would make are the Americans who have abused the hospitality of the Province. He would banish these. The last class to be mentioned are the American citizens, who calling themselves Patriots, made descent on Point Pélée Island, and others captured in an armed vessel, after firing upon Amherstburg. His inclination was to treat them as outlaws and send them to England for trial for murder and piracy, but he did not do so, as it seemed to be a shirking of his responsibility. Anxiously awaiting views of Colonial Secretary.

p. 243

Sub-enclosures:

March 24.

(a) Minutes of Executive Council. An Order in Council was authorized directing that certain named persons under indictment for high treason be arraigned and tried upon their indictments; that all other persons under similar indictment, who have petitioned or shall petition shall be considered as proper subjects for merciful consideration; and that those indicted who do not petition shall be arraigned and tried in due course of law.

p. 282

March 31.

(b) Minutes of Executive Council. After hearing memorandum from Lieutenant Governor, and addresses from Chief Justice and Attorney General on general policy, Council resolved to hold special meeting on Monday following.

p. 289

April 2.

(c) Minutes of Executive Council. Decisions, that the execution of the sentences upon Lount and Matthews be not stayed; that list of prisoners be revised, and certain named persons be removed therefrom, if they have petitioned or shall petition; if they do not petition they shall be tried.

p. 312

April 3.

(d) Minutes of Executive Council. On request of Lieutenant Governor for advice as to mode of dealing with prisoners, the Council gave following opinion: That capital punishment be inflicted in as few cases as possible; that severe secondary punishment be confined to leaders and instigators, and to those guilty of outrage independently of rebellion; that mere followers may be recommended

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to mercy, as well as those implicated in lesser degree. Those who do not petition are excluded from recommendation. Council hope it may be proper to direct Attorney General to stay proceedings against this last class, and recommend that opinion of judges be obtained.

p. 329

(e) J. Joseph to Chief Justice. Transmitting copy of foregoing Minutes, and requesting the opinion of the judges as to the legality of the recommendations made.

p. 348

(f) Chief Justice Robinson, and Justices Macaulay, Jones and McLean to Lieutenant Governor. They see no legal objection to the exercise of such a control by the Attorney General under direction of Lieutenant Governor as may be necessary for carrying into effect lenient course suggested.

p. 350

(g) Minutes of Executive Council. Having under consideration largely signed petitions asking for pardon for Lount and Matthews, Council "feel it to be their imperative but painful duty" to adhere to decision. Lieutenant Governor concurs. Having under consideration report of Justice Macaulay on proceedings of Special Commission of Oyer and Terminer in Hamilton on some cases where sentence of death had been pronounced, Council note none of the principal leaders had been secured, and that there had been no important outrages apart from rising itself, and recommend that all may be respited, though anticipating the severest secondary penalty on two of number. In these cases they recommend transportation for life.

p. 351

Sub-enclosure:

Report of Mr. Justice Macaulay.

p. 361

Having under consideration proceedings and sentence of court-martial in case of Thomas Jefferson Sutherland, Council approve, and it was ordered that he be sent to England for transportation for life, either to Van Diemen's Land or New South Wales.

p. 379

(h) Lieutenant Governor orders respite from sentence of death in four cases including Edward Alexander Theller, and that last named be informed that no recommendation in his favour can be transmitted to Her Majesty.

p. 381

(i) Minutes of Executive Council. On report of Commissioners of Enquiry, it was ordered that pardon should be extended to certain prisoners indicted but not arraigned, who had presented petitions, on condition of giving security for good behaviour for three years.

p. 383

(j) Copy of "An Act to enable the Government of the province to extend a conditional pardon in certain cases, to persons who have been concerned in the late Insurrection."

(Passed 6 March, 1838). *In print.*

(k) Order of Lieutenant Governor that three persons in district of London under sentence of death be reprieved.

p. 395

(2) Arthur to Glenelg. No. 7. Copy. Respecting case of Sutherland; who was tried by court-martial. After various incidents which are recorded, Sutherland was found guilty and sentenced to transportation for life. Asks for instructions as to means by which sentence shall be carried into effect.

p. 397

(3) Arthur to Glenelg. No. 9. Copy. Respecting case of Theller. He was born in Ireland, and emigrated to United States; lived for time in Montreal though whether as actual resident is not quite clear. He raised a body of men in Michigan, assumed title of general as

1838.

Government House, April 4.

Toronto, April 6.

April 9.

Toronto, April 6.
In Council, April 9.

Government House, April 23.

May 4.

In Council, May 19.

Toronto, April 23.

Toronto, April 25.

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second in command of "the Western Division of the Patriot Army"; took command of schooner "Ann" which fired on Amherstburg; vessel was boarded and he was captured. Tried in Toronto, convicted of high treason and sentenced to death. Chief Justice had doubts as to whether this is not an over-straining of doctrine of continued allegiance. Council and Attorney General concur in opinion that conviction is legal, and consider that guilt of piratical warfare may properly be superadded to that of treason. Chief Justice maintains that having been tried for treason, the other crimes cannot be taken into the account. Lieutenant Governor considers opinion of Council right, and is most anxious that example should be made, but in view of importance of case has granted respite until Her Majesty's pleasure be known. In view of legal difficulties in dealing with purely American citizens, who invaded country, and the fear that legally they cannot be given their deserts, he is anxious that opinion should not get abroad that their course is dictated by timidity. In state of feeling in province, there are apprehensions that if prisoners are not punished by course of law, the citizens may take matters in their own hands.

p. 405

Sub-enclosure:

- April 3. (a) Proceedings in trial of Theller. p. 416
 April 17. (b) Minutes of Executive Council. Considered objections raised by Chief Justice, and decided against their validity. Asked that opinion of Attorney General be invited. p. 446
 (c) C. A. Hagerman, Attorney General to Lieutenant Governor. Upholds decision by lengthy recital of facts. p. 456

Attorney
General's
Office,
April 18.
April 19.

(d) Minutes of Executive Council. Advice, after review of facts, that "setting the obligation of allegiance altogether out of the question, the prisoner's crime still remains worthy of death;" and that example is necessary to deter further similar aggressions.

p. 476

Undated.

(e) Chief Justice to Lieutenant Governor. Some general considerations for and against the execution of the sentence. On the whole, he seems to favour reference to Government in England. p. 481

April 23.

(f) Minute from Lieutenant Governor to Council, announcing his decision to refer case for disposal of Her Majesty. He is in accord with views of Council, but moved by the doubts of Chief Justice and other judges. p. 500

Sandwich,
April 14.

(g) John Prince to Lieutenant Governor. Enclosing letter from W. L. Whiting, a merchant of Detroit, giving information respecting Theller; also, stating that the leader of gang who invaded Point Pélée Island was a man named Bradley, who lived in Sandusky. He suggests that Bradley and his accomplices should be demanded from Governor of Ohio. p. 504

Detroit,
April 14.

(h) W. L. Whiting to Prince. Account of Theller's career.

p. 507

Jail, Home
District,
April 16.

(i) Petition of Theller, praying that he may be delivered up to United States authorities, to be dealt with according to law. p. 513

Toronto,
May 5.

(4) Arthur to Glenelg. No. 14. *Copy*. Particulars of Theller's case. Difficulties about trial of those of his associates who were undoubted American citizens: they could not be proceeded against as "traitors" nor as "pirates." Attorney General thought of indicting them for "malicious shooting" but has abandoned idea. Case now referred to

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Government in England. Encloses letter from Attorney General, with reference to these cases, and to those of prisoners taken at Point Pélée Island, where 30 loyal men were killed or wounded. Attorney General proposes to indict the latter for murder, but the Chief Justice has doubts to propriety of course. Presuming then that no punishment can legally be inflicted in province in case of these foreigners, Arthur begs for instructions, as loyal citizens are so exasperated that they may take law in their own hands. p. 527

Sub-enclosure: -

C. A. Hagerman to Lieutenant Governor. Opinion referred to. Attorney General's Office, May 1. p. 538

(5) Arthur to Glenelg. No. 22. *Copy*. Continuing narrative of proceedings regarding prisoners charged with treason. Salutory results of execution of Lount and Matthews. Nature and activities of Commission of Enquiry: functions no wider than ordinary justices of peace; appointed to ensure "the utmost possible prudent, uniform and dispassionate course in preliminary proceedings;" confusion that reigned when rebellion broke out, "all the officers of government, the functionaries of justice, and the loyal inhabitants, were actually soldiers under arms;" many proceedings necessarily lacked legal warrant, particularly in matter of arrests; when Commission was appointed, number of arrests were so great that it was unsafe to keep all in confinement; first duty of Commission was to limit number of arrests, and next to arrange for discharge of least deeply implicated; in latter case, Commission, perhaps without strict legal authority, discharged upon bail to keep peace for one year many who were on confession guilty of high treason; in more serious cases took bail to appear at next court, and others were dismissed in default of evidence. Many persons still at large who are liable to arrest unless Executive Government intervenes. Request for power to pardon for high treason and to issue proclamations of amnesty, at least during existing crisis. Government in England too remote to deal properly with variety of cases; where lieutenant governor necessarily transcends his power in these circumstances, he must be supported solemnly and formally by Government in England. Asks approval of Order in Council, prescribing course towards persons charged with treason. Transmits report of Commission of Enquiry as to prisoners in Home District. Council in considering report had in view the extending of mercy to utmost limits consistent with public safety. He concurred in Council's recommendation in favour of remission of forfeiture of property and other disabilities in case of prisoners petitioning. If re-grant of property in such cases is legally necessary, it should be done under Provincial Act; but hopes it will not be necessary. As to cases calling for simple banishment, this is objectionable and dangerous if applied to many people having connections in Canada. Will confine this punishment almost entirely to Americans without connections in this country. Those guilty of petty outrages in course of rebellion get terms in penitentiary added to banishment. Much difficulty in providing punishment, short of death, for persons too deeply implicated to be allowed at large. After discussion of all means, transportation to penal colony decided upon. Objections of Government in England to extensive application of this punishment made known to Council, and latter were asked to go over list of those

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1538. condemned thereto and reduce it to narrowest limits. This has been done. Tribute to members of Council. "I never met with gentlemen more disposed to do their duty with moderation and firmness." Hopes Government in England will accept this list. Cases in Gore and London Districts not so numerous or serious as those in Home District, leaders having escaped. Cases in Midland District not yet reported; are few and unimportant. Calls attention to addresses to him as indicating feeling in province. Asks for early instructions. p. 545

Sub-enclosures:

(a) General Summary of Cases of Persons charged with High Treason, specifying proposed disposal of them. p. 587

May 5. (b) Minutes of Executive Council. Consideration of report of Commission of Enquiry, and of cases of certain prisoners in Home District who had petitioned. Ordered that 16 be banished; 15 confined in penitentiary for three years, then banished; 5 transported to Van Diemen's Land for 7 years, 15 for 14 years, and 6 for life. p. 599

May 18. (c) Report of Solicitor General on cases of 57 persons charged with High Treason. p. 608

May 21. (d) Minutes of Council. Consideration of report of Solicitor General, and on certain prisoners in Gore and London Districts who had petitioned. Ordered that 10 be banished; one confined in penitentiary for 3 years, and afterwards banished; 8 transported to Van Diemen's Land for 14 years, and one for life.

11 persons relieved of forfeiture of estate, and other consequences of attainder for high treason.

21 other persons similarly relieved. p. 639

May 21. (e) Minutes of Council. Consideration of report of Chief Justice. Ordered that 6 persons be transported for 14 years, and 6 for life to Van Diemen's Land; 1 confined in penitentiary for 3 years, and then banished; 1 banished; and 2 pardoned. p. 646

May 29. (f) Minutes of Council. Considered Glenelg's despatch of March 31 respecting transportation. Council revised list of those recommended for transportation, and a number of names were removed, other punishments being substituted. Difficulties in way of imposing adequate punishment within province or by simple banishment. Necessity of stronger protection for frontier. Ordered that 11 prisoners be taken from gaol in London District and lodged in gaol of Gore District with view to their eventual removal to fortress at Kingston; that 7 prisoners taken from the "Ann" and one other be taken across Niagara river and discharged; and that 3 who turned Queen's evidence be discharged. p. 670

May 28. (g) Report of W. H. Draper, Solicitor General, on Rebellion. p. 684

Toronto,
June 7. (6) Arthur to Glenelg. No. 26. Reviewing former reports, and explaining the circumstances under which decisions were arrived at. Difficulties encountered in carrying out his views due to limitation of the power of pardon in cases of treason, and to the influence of public opinion. It is probable that in a short time, mercy may be further extended without risk of remonstrance, and that the number of persons to undergo punishment may be materially lessened. Strong objections to remissions of punishment on representations to Government in England. This would have appearance of appeal from justice

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of Provincial Government. He suggests that proceedings of Council^{1838.} be approved, and power of pardon conferred on him, so that he may release some from sentence of transportation, and others from inferior penalties, not upon principle of reversing wrong decisions, but on assumption that circumstances may have come to light which would render some of the prisoners proper objects of mercy, or that the restoration of tranquillity may render further extension of mercy possible without public injury. p. 712

Fox to Durham. No. 1. *A.L.S.* Acknowledging despatch (No. 1) delivered by Grey. Mission of Grey very satisfactory. He had interviews with President, and Secretaries of State and War Government in Washington who were all fully alive to dangers lurking in situation, and will do what is possible for them to abate the evil. Means at their disposal lamentably feeble. Repression of raids depend mainly on vigor of Canadian authorities and loyalty of Canadians of British origin. Encloses letter from Secretary at War. p. 729

Sub-enclosure:

Poinsett, Secretary at War to Forsyth, Secretary of State. Measures taken to check further raids. Q. 246 p. 175

Harvey to Couper. Private and confidential. *A.L.S.* Maine Legislature authorized opening of road in disputed territory. In previous autumn he made a protest, backed up by a small military force, which checked proceeding with road. Intimations in press that attempt will be renewed supported by armed force, and he learns that preparations for operations are going on. Road would establish direct communication between State of Maine and Madawaska Settlement, at present the only line of communication between New Brunswick and Canada. It is also said that a renewed effort is to be made by Maine to take census of Madawaska Settlement, and to make money grants to inhabitants. If his remonstrances are unavailing, his only course would seem to be to take military possession of disputed territory. Will take no steps in this direction unless sanctioned by Durham, or unless some overt act takes place in spite of his protest. Has sufficient military force at hand, to maintain rights and prevent Americans from acquiring that co-ordinate jurisdiction at which they aim. Asks that substance of this be communicated to Durham.

Fox to Durham. Private. *A.L.S.* Satisfaction expressed with Colonel Grey's mission. Expects to do better work with Durham at hand. Has been impeded by the "exaggerated and overweening testimonies" tendered by British to United States Government. Latter will do so much as and no more than necessary to avoid war. Their neutrality has kept exact pace with evidences that Great Britain is able to keep Canada without it. He is doubtful of sincerity of upper classes, but convinced they would be helpless to prevent a general piratical rush into Canada. Sends remembrances to Durham's family and to Turton. p. 741

Durham to Harvey. No. 2. *Mutilated draft in Durham's hand, and copy.* Acknowledging despatches Nos. 1 and 2. Satisfaction with proofs of desire to co-operate. Wishes personal interview, if possible prior to his departure for Upper Canada on July 2. p. 761

Durham to Arthur. No. 2. *Mutilated draft in Durham's hand, and copy.* Acknowledging despatch No. 1. Will do nothing to diminish his influence and authority. Has no wish to interfere with

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1838. local administration in provinces. Necessary, however, that he be promptly informed on all important occurrences. p. 766

Quebec,
June 18. Circular from Durham to Lieutenant Governors. *Draft in Buller's hand, and copy.* With view to establishment of improved system for disposal of Crown Lands, and to promote emigration, he has prepared a Commission of Enquiry into subject in each of the provinces, is also authorizing commissioner named to issue temporary regulations for disposal of Crown Lands in each province and to instruct officers of Crown Lands Department as to duties. Requests that Great Seal of Province be affixed to Commission and that it be published. Requests also that as far as possible no Crown Lands be disposed of, until further instructed by him. p. 770

Enclosure:

Toronto,
June 18. Commission to Buller. Upper Canada Gazette, July 12. p. 781

Arthur to Durham. No. 3. *L.S.* Forwarding communication designed to put Durham in possession of all facts relating to his dealings with traitors and American "Patriots". Explanation of his views as to disposal of these. p. 782

(No enclosures.)

Fredericton,
June 20. Harvey to Durham. No. 3. Confidential. *A.L.S.* Enclosing copy of Glenelg's despatch (No. 81) of April 25, with his answer. To procure fuller information than possessed by Warden of disputed territory, he has sent a discreet person to western section of that territory for the purpose. Invites attention to necessity of preserving Madawaska Settlement by military occupation if necessary. Inhabitants of Settlement dread transference to United States. Vexatious opposition to acceptance of Conventional Line due largely to political views of recently elected Governor of State. p. 792

Enclosures:

Downing
Street,
April 25. (1) Glenelg to Harvey. No. 81. *Copy.* Asking for report on present state of disputed territory to east of Connecticut river. p. 797

Fredericton,
June 19. (2) Harvey to Glenelg. No. 40. Political and confidential. *Copy.* Acknowledging foregoing. Sends copy of report made by Warden of disputed territory. Has sent discreet person into western part of district to gather information. Gives information contained in his letter to Couper of June 16 (q.v.), and encloses copy of Resolutions of Maine Legislature. p. 799

Sub-enclosure:

March 21. Resolutions of Legislature of State of Maine, demanding that General Government put an end to "intrusive and unjustifiable jurisdiction over our citizens and soil by a foreign power"; that General Government run and establish line according to Treaty of 1783; declaring use made of territory by British Government palpable outrage; that Government should take prompt measures to enforce law in territory; that the opening of a winter road from the Aroostook to the mouth of the Madawaska river is all-important. p. 807

Halifax,
June 20. Sir C. Campbell, Lieutenant Governor to Durham. *L.S.* Has forwarded despatch to Governor of Newfoundland as requested. p. 811

Government
House, P.E.I.,
June 20. FitzRoy to Durham. No. 1. *A.L.S.* Acknowledging despatch No. 1. Will follow instructions. p. 813

Toronto,
June 22. Arthur to Durham. No. 4. *L.S.* Information contained in letter No. 3, confirmed by late occurrences, recounted in correspondence

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which he encloses. Outrage in Pelham township on body of British cavalry. American authorities appear to be uneasy over events happening on their borders. Sandom providing scheme for defence of lakes. Intelligence received daily convinces him that general movement against Province is intended. Leaving all correspondence with American Government to Durham. p. 816

Enclosures:

(1) Colonel H. D. Townshend to Colonel Halkett, Assistant Military Secretary. Giving account of attack on troops at St. John's, Pelham township. Notes an unaccountable degree of apathy or unwillingness on part of inhabitants to assist or give information. Thinks a few Indians would be useful to scour woods. p. 824

Drummond-
ville,
June 21.

(2) Townshend to Halkett. Account of interview with aide-de-camp of Brigadier General Brady. United States army giving information of movements and intentions of pirates. Encloses a memorandum of information received. p. 827

Drummond-
ville,
June 21.

(3) Deposition of Robert Doan, as to meeting with body of 20 or more armed men. p. 833

Cook's Mills,
June 20.

(4) James Magrath, Lieut. Queen's Lancers to Townshend. *Two letters.* Account of doings of piratical band. p. 837

St. John's,
Queenston,
June 21.

(5) Captain John H. Palmer to Halkett. Account of attack in Pelham. p. 858

Queenston,
June 21.

Fox to Durham. No. 2. *A.L.S.* Enclosing copy of message transmitted by President to Congress on June 21 on border disturbances. Very satisfactory. p. 861

Washington,
June 24.

(No enclosure.)

Durham to Fox. No. 2. *A.Dft. Initialed.* Acknowledging despatch No. 1. Satisfaction with measures of United States Government. Measures taken by himself. Encloses copy of his despatch to Glenelg on subject; also, Sir Charles Paget's instructions to captains of "Hastings" and "Hercules." United States Government might be informed that steps taken are merely for self-defence and are in no way in contravention of declaration made to United States Government by Paget on April 28, 1817. p. 865

Quebec,
June 25.

(No enclosures.)

Durham to Arthur. No. 3. *A.Dft. Initialed.* Acknowledging despatches Nos. 1 to 3. Will have early opportunity of discussing subjects personally. Will leave Quebec on July 4 and hope to be in Toronto on 16th. p. 870

Quebec,
June 25.

Fox to Durham. Private. *A.L.S.* Will send extracts of such despatches he addresses to Foreign Office as relate to Canada. Personal items. p. 873

Washington,
June 26.

Fox to Durham. No. 3. *A.L.S.* Enclosing extracts of despatches addressed by him to Foreign Office. p. 883

Washington,
June 26.

Enclosures:

(1) Fox to Palmerston. No. 28. *Extract.* Troubles on Canadian frontier have recommenced to alarming extent. Details, including destruction of "Sir Robert Peel." Good results from Colonel Grey's visit. Increased activity of United States Government; its inability to cope with mob bent on outrage. Necessity of imposing military force in Canada. p. 886

Washington,
June 24.

(2) Fox to Palmerston. No. 29. *Extract.* Fear that rigid adherence to terms of Convention of April 1817, limiting armaments on Lakes, may hamper measures of both governments for suppression

Washington,
June 24.

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1838. of piratical raids. Suggests that discretionary power be given him to agree to suspension for given time of provisions of Convention, if this seemed expedient. Would act in concurrence with Durham. Permission to maintain increased armaments on lakes should be confined to employment of regular forces, military or naval. Has not discussed matter with United States Government officially, and therefore cannot report as to the will or power they may have in such a case. p. 905

Charlottetown,
June 26.

Copy of *Royal Gazette*, containing account of wreck of the barque "Sir Archibald Campbell", and of the looting of it by an American vessel. p. 912

Government
House,
Toronto,
June 26.

J. Joseph to G. H. Ryland. *L.S.* Enclosing certain documents required respecting the union of Upper and Lower Canada. p. 913

Enclosure:

Clerk of
Assembly's
Office,
June 6.

James FitzGibbon to Joseph. *A.L.S.* Stating with reference to Ryland's letter of 28 ultimo that the Journals of last Session will not be ready for issue until October, and that Journals of two preceding Sessions have already been sent to Quebec. Transmitting copies of certain documents. p. 914

Sub-enclosures:

1837.
House of
Assembly,
March 3.
Downing
Street,
April 21.

(a) Joint address of the two Houses to the King, objecting to any proposal for the union of the two provinces. p. 917

(b) Glenelg to Head. Respecting foregoing address, in which he states that the project of a union is not in contemplation of Government. p. 920

1838.
House of
Assembly,
February 26.

(c) Address from House of Assembly to Queen, setting forth terms and conditions on which they would consent to union of two provinces. p. 921

Toronto,
June 27.

Arthur to Durham. No. 5. *L.S.* Continuing the narrative from the 22nd. On evening of 22nd, reports from Niagara District were so grave that he decided on active measures. He issued a proclamation, a copy of which is enclosed, and proceeded to call out the sedentary militia. Learning that rebels were inciting Indians to rise, he at once set them in motion. At Niagara he found the greatest excitement and alarm. Rumours were flying about as to large numbers already landed in Canada and much larger numbers awaiting an opportunity on United States side. A prisoner stated that banditti in province were led by a "Colonel" Morreau, an American, who had issued a proclamation, a copy of which was enclosed. Reward of £500 offered for Morreau's apprehension. A gentleman bearing testimonial from Governor of New York gave much information as to activities on American side. To make display of force, and decide the waverers, Arthur proceeded into disaffected district with party of Queen's Lancers. Result very satisfactory. Between 30 and 40 captured, including Morreau, Wait, a Canadian, second in command and bearing Flag of Liberty, Dr. Wilson, who had escaped in previous winter—in fact all the leaders. Numbers reported as having entered Canada apparently greatly exaggerated, though it is difficult to ascertain truth. At Niagara, Arthur had most satisfactory interview with Major Young in command of American Regulars, and General Burt of New York Militia. Young, active and of good faith, but hampered by lack of sufficient troops. Arthur was assured that better class of Americans had no sympathy with rebels, but that country near lakes was overrun by ungovernable mass of lowest class. Young

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has authority to employ one or two steamers to guard their shore, ^{1838.} and he himself has vessels cruising near Amherstburg. As to manner of dealing with prisoners, loyal part of population greatly exasperated by outrages to which they have been subjected, and they expect all prisoners will be immediately put on trial before Military Tribunal under Provincial Act. This act was designed to provide a means for trying citizens or subjects of foreign states entering province and committing acts of hostility. Although Canadians joining them may be tried by Military Tribunal, he prefers to have them tried by Courts for High Treason. Is much embarrassed by opinion of English Law Officers, in case of Theller, which states incidentally that his American associates were guilty of high treason. Legal opinion in Upper Canada entirely opposed to this view, and he is inclined to accept advice of his law officers. Their opinion is that "persons heretofore owing no allegiance to the Queen, did not come under the obligation of temporary allegiance so as to be capable of committing high treason." Hence necessity for Provincial Act mentioned. If judges do not agree with English Law Officers, American prisoners tried for high treason might go free. He is convinced that punishment of most exemplary kind is imperatively called for. American authorities might otherwise reflect on slackness of Canadians. His satisfaction with Durham's proclamation. Recognizing popular objections to military tribunals, the course he purposes following is to indict British subjects for high treason, and foreigners for felony under Provincial Act. Has ordered special Commission of Oyer and Terminer for Niagara District. His anxiety is to reconcile merciful views of Government in England with feelings of people in province. Uncommon firmness required on part of militia officers to prevent their men from putting banditti to death on the spot. Looks to Durham for advice and counsel—to what extent should capital punishment be carried? Government in England so intent on mercy to rebels that they scarcely approve of execution of Lount and Matthews, although they were guilty not only of high treason but of murder and arson as well. Theller bombarded Amherstburg and yet it seems doubtful whether Glenelg would approve of his execution. He himself has been strongly inclined to mercy, but in his opinion, if judicious and proper measures had been adopted by his predecessor, the insurrection would not have taken place—"the policy that was pursued had a tendency to mislead, it was not justifiable to be inactive." Rolph, Mackenzie, Lount, Matthews and other leaders were justly chargeable, but many were misled by Government's want of activity. This excuse does not avail with perpetrators of present misdeeds. Everybody both in Canada and United States, must know what is done for defence of Province. His opinion is that 4 or 5 of the 40 taken should be executed, and the rest, in whose case nothing favourable can be found, sent to England for transportation to penal colonies. p. 930

Enclosures:

(1) Glenelg to Arthur. No. 82. *Copy.* Respecting execution of Lount and Matthews. Government regret extremely that a paramount necessity should have arisen for these acts of severity. Have no doubt that the most ample consideration was given to all the circumstances before decision was arrived at. Hope no further capital punishments will be deemed necessary. As to request for instructions respecting American citizens who have been taken prisoners, was not aware that instructions had previously been asked for. p. 975

Downing
Street,
May 30.

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1838.
Downing
Street,
June 1.

(2) Glenelg to Arthur. No. 88. *Copy*. Enclosing opinion of Law Officers as to legality of conviction of Edward A. Theller.

p. 983

Sub-enclosure:

Ducors'
Commons,
May 28.

Law Officers of Crown to Glenelg. Have considered the case of Theller, together with his petition urging legal objections to the sentence, as well as opinion of Law Officers of province respecting same. They are of opinion that Theller's conviction is legal. The Provincial law authorities have fallen into "important error" with reference to foreigners who have been taken while in arms. "They were all clearly guilty of High Treason, just as much as the natural born subjects of the Queen. From the moment when they came within the Province they owed to Her Majesty a temporary allegiance the violation of which subjects them to the penalties of High Treason". This principle not applicable to Theller who was natural born subject.

p. 986

Government
House, St.
Johns, New-
foundland,
June 28.

Prescott to Durham. *L.S.* Acknowledging despatches from him and Couper. Governor General's commission deposited in Archives.

p. 990

Quebec,
June 29.

Harvey to Durham. *A.L.S.* Enclosing report of Major Mac-
lauchlan, Warden of Disputed Territory, and suggesting that, in event of persistence of measures in that territory by Maine authorities, a representation should be addressed by himself to Governor of Maine and by Durham to Government at Washington, with object of inducing Government of Maine to desist from adoption of aggressive measures.

p. 992

Enclosures:

Fredericton,
June 12.

(1) Maclauchlan to Harvey. Respecting Glenelg's enquiries in despatch No. 81. Can give no information respecting settlements west of St. John and Aroostook rivers, though he believes there are none. On that part of territory considered under New Brunswick Government—on the St. John and Aroostook rivers including Madawaska Settlement—there is population of 3,300; of whom 2,800 are Acadians and French Canadians, the remainder from England or born in New Brunswick. There are about 40 Americans, principally single men, employed in lumbering.

p. 996

Grand Falls,
June 24.

(2) Maclauchlan to Harvey. Persons employed confidentially to investigate report that no work is proceeding on projected road, but several surveying parties under a Mr. Whipple accompanied by 30 or 40 settlers had reached Aroostook and were laying out lands for settlement. He is going there next day and will make formal protest against proceedings.

p. 1000

Castle of
St. Lewis,
June 29.

Durham to Arthur. No. 4. *A.Dft. Initialed*. Acknowledging despatch (No. 4). Sir Colin Campbell directed to send 93rd Regiment to Quebec, and 43rd Regiment will go from Montreal to Upper Canada. He is proceeding to Montreal on July 4; subsequent movements dependent on information from Colborne.

p. 1003

Toronto,
June 30.

Arthur to Durham. No. 6. *L.S.* Enclosing copy of letter from Governor Marcy of New York upon which he makes some comments. Reliable information that serious attack will be made within few days on Western Frontier. General Brady of United States army has given intimation of preparations at Detroit and Fort Gratiot, and he sends two other confirmatory documents.

p. 1006

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Enclosure:

Governor Marcy to Arthur. Had message from Arthur by a Mr. J. Faratt, Jr., to effect that he would co-operate with Governor in extirpating brigands infesting Thousand Islands. Will unite with him to extent of powers. Duty of managing and maintaining foreign relations, however, in hands of Federal Government. Violations of acts of neutrality are offences against Federal and not State Government. Burning and plundering "Sir Robert Peel" is an offence against State, and he will do utmost in his power to bring criminals to justice. As duty of preservation of neutrality rests on Federal Government alone, he has done all he could when he reported facts relating to Thousand Islands depredations to that Government. Gives his views, which he communicated to Federal Governor, as to measures for clearing brigands out of Islands. Apologizes for failure to answer letter from Arthur, which he thought he had done. p. 1011

1838.

Cazenovia,
June 18.

Arthur to Durham. No. 7. L.S. Pleasure expressed at Durham's taking up question of emigration, and at Durham's assurances of support, and of non-interference in Provincial matters. Notes unusual form of commission to Buller so far as concerns Upper Canada. In absence of Governor General, Lieutenant Governor exercises full authority, and usual course would have been to have commission witnessed by himself. At present it appears that his authority is being superseded by that of Governor General, and officers of his Government are commanded to obey commissioners by an instrument in which his name does not appear. However, believing this to be merely formal objection, he has directed the Governor General's wishes to be obeyed. Draws attention to embarrassed condition of finances, due to expenditures on public enterprises. Absence of effective control by Governor over Assembly anxious to carry wishes of constituents into operation. The critical conditions prevailing in province affords opportunity to put financial system on more regular lines. Suggestion that one of Governor's staff, who is experienced in financial matters, might be usefully employed in enquiry into financial system. Evils, natural result of system of parliamentary appropriations, originating not with Government but with Assembly. System not to be attributed to policy or design of particular persons, but has grown up naturally. Will mention later other subjects requiring investigation. p. 1023

Toronto,
June (30)

Durham to several Lieutenant Governors. *Rough draft in Buller's handwriting.* Draws attention to despatch of June 18 on subject of Crown Lands and Emigration. Co-operation required with view to adoption of a permanent and uniform system. The first requisite is that, as far as lies within Governor's discretion, all alienations of public lands shall be suspended, as the chief obstacle to rendering these lands source of large revenues is the large proportion of granted land remaining in wild state, and further grants without effective provisions for cultivation would only augment the evil. He is aware that total cessation of grants is impossible under existing laws and regulations, but desires that further alienations may be hampered rather than encouraged. p. 1037

Castle of
St. Lewis,
June 30.

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1833.

VOLUME II.

Toronto,
July 1,
half-past
eleven p.m.

Arthur to Durham. No. 8. *L.S.* Continuing information in despatch No. 6. Has just received word of attack on Western Frontier by Patriots. Transmits copies of reports from Colonel Maitland who commands forces at London. About 300 men reported to have landed at Nugent's Inn in River St. Clair, and it is said 1,500 men are marching on London, where 32nd Regiment is posted. Loyal people largely without arms. Daring rescue of Dr. Wilson of Yarmouth by an armed party from Norwich. 34th Regiment left Toronto for London. Would himself go there next day. Encloses Minute of Council respecting expenses. p. 1

No enclosures.

Quebec,
Monday
Morning,
July 2.

Confidential memorandum from Harvey. *A.L.S.* Invites attention to his Secret Instructions relative to the North East Boundary, which require him to resist or prevent exercise of jurisdiction or any act implying sovereignty in disputed territory. This arrangement has been concurred in by United States Government. A sufficient check to violations of agreement has hitherto been apprehension of offenders and their trial by New Brunswick authorities. This check and a formal protest will be resorted to in case of further violations. Understands however this process may be resisted and New Brunswick officers arrested. Advice of Durham requested, as nothing further appears feasible but military occupation of territories. This objectionable in several ways. His own inclination is to temporize by protests and denunciation of aggressive acts until negotiations can be proceeded with. p. 6

No enclosures.

Castle of
St. Lewis,
July 3.

Durham to FitzRoy. No. 2. *A.L. Initialed.* Desirous of interview with him after return from Upper Canada. (In pencil, direction that similar despatch be sent to Governor of Newfoundland.) p. 10

Toronto,
July 3.

Arthur to Durham. No. 9. *L.S.* Stating that two of owners of "Sir Robert Peel" have applied for indemnification for loss. They attach affidavits. Loss and damage estimated at nearly £13,000. Ask intervention on their behalf with United States Government. p. 14

Toronto,
July 3.

Arthur to Durham. No. 10. *L.S.* Additional information respecting invading movements on Western Frontier, the number reported advancing from River St. Clair much exaggerated, their object seems to be merely plunder; account of encounter with militia of Moore township. Encloses two letters, one from gentleman living in Detroit, the other from General Brady, both of June 29. Apprehensions of inhabitants due rather to number of disaffected among them, than to foreigners from United States. Also encloses deposition from a Mr. Hubert James and letter from Colonel Townshend, which make him anxious and watchful. p. 19

Enclosure:

Niagara,
July 1.

(1) Deposition of Hubert James. (In Section 4, p. 432).

Detroit,
July 2.

(2) Brady to Reid. (In Section 4, p. 437).

Detroit,
June 29.

(3) Whiting to Macaulay. (In Section 4, p. 461).

Castle of
St. Lewis,
July (3).

Durham to Sir S. R. Chapman, Governor of Bermuda. *A.L. Initialed.* Finding it necessary to remove from continent of America 8 prisoners who have confessed themselves guilty of high treason, he

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has after consultation with Admiral of Fleet decided to send them to Bermuda, where, he learns, there are exceptional facilities for securing their safe detention. Asks Governor to take charge of them and trusts no inconvenience will ensue. Sends copy of Ordinance. p. 26

Arthur to Durham. *A.L.S.* Respecting Durham's movements. Doubts as to advisability of Lady Durham going to Niagara while present excitement continues. He is much embarrassed by the Orangemen who consider lenity of any kind an insult to their order; they are "fine, brave fellows" under "very bad direction". Will make effort to clip wings of leaders when it can be done prudently. Offers hospitality to Durham. p. 30

Sir C. Campbell to Durham. *L.S.* Acknowledging letter of June 18 respecting Crown Lands, and has followed directions. p. 38

FitzRoy to Durham. No. 1. *A.L.S.* Reporting an act of piracy perpetrated by an American schooner "The Four Brothers" on the barque "Sir Archibald Campbell" off North Cape. Copy of *Royal Gazette* of June 26 which he encloses, gives account. Has ordered enquiry, and will send depositions when in proper shape. Lawlessness of American fishermen. Necessity of British war vessel to protect these fisheries. p. 41

Enclosure:

Extract from *Royal Gazette*, June 26.

Q. 247 p. 56

FitzRoy to Durham. No. 3. *A.L.S.* Enclosing letter from J. W. LeLacheur, a member of the Legislature, asking for introduction to Durham, in order to lay before latter a statement of the grievances from which the agricultural population suffer. LeLacheur left Island without receiving answer from Governor. He represents an insignificant group: he does not state the subjects he proposes to submit, but FitzRoy supposes it has to do with efforts to establish Court of Escheat. He gives an account of the land question. p. 49

Enclosure:

LeLacheur to FitzRoy. Letter mentioned.

p. 61 P.E.I., July 5.

Arthur to Durham. No. 11. *L.S.* More satisfactory conditions in London District and on Western Frontiers. Earlier reports greatly exaggerated. Does not believe more than 100 landed from American shore, and of these some returned discouraged at lack of co-operation from Canadians. Many of latter ready to rush into rebellion, but repressed by presence of troops. About 20 prisoners taken, including Dr. Wilson who was recaptured and will be put on trial at once. Some 12 or 13 brigands, who had raided Mr. Guvin's house near river St. Clair arrested in Michigan. Means to demand them from Governor of Michigan. If refused, he hopes Durham will make representations to Washington. Encloses correspondence between General Brady and Colonel Reid, which was dropped as no controversy was desired. On Western Frontier, the magistrates under influence of general excitement issued proclamation closing intercourse with American ports. This was beyond their powers and they were so informed. Encloses letters from Prince, copy of proclamation and copy of his letter to magistrates. Brady still issues warnings of impending attack. But Arthur has no fears as no co-operation from rebels can be hoped for. More danger of attack during winter, though he has a few apprehensions. Still embarrassed by question of disposal of prisoners. He looks forward to tranquillity and repose. Convinced

1838.

Toronto,
July 4.

Halifax,
July 5.

Government
House, P.E.I.,
July 7.

Government
House, P.E.I.,
July 7.

Toronto,
July 9.

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there was large class in province who desired American institutions; but many led to wish for them because they had come to expect them. Most of these will no doubt return to their allegiance, since they have seen these are beyond their hopes. Is satisfied there has been great improvement in public sentiment, since Government has shown itself seriously determined to maintain its position. p. 63

Enclosures:

- (1) Brady to Reid. (In Section 4, p. 447).
- (2) Pierce to Elliott Prince. (In Section 4, p. 468).
- (3) Macaulay to Prince. (In Section 4, p. 497).

Detroit,
June 29.
Sandwich,
July 2.
Toronto,
July 9.
Toronto,
July 9.

Arthur to Durham. Separate. *L.S.* Respecting Mr. Buchanan, British Consul in New York. He called on Arthur in New York, to give him an insight into conditions in Canada: pointed out impolicy of alliance with Family Compact which include ablest men in Legislative Council and in public offices. These men were bulwark against Republican institutions; by their assistance, Head was able to overthrow the disaffected group, of which Mackenzie, Bidwell and Rolph were leaders. His instructions before he left London were that he should pursue the policy and measures of Head. With experience, however, he has seen reason for acting upon these to very limited extent. Buchanan's recommendations had a directly opposite tendency, and, if he had followed them, he would have given offence to the constitutional and most powerful section of community. Owing to disaffection, he has avoided controversial subjects. The only one he discussed was that of Clergy Reserves. Has intimated intention of bringing in bill to re-invest these lands in Crown. He has identified himself with no party, but has seen enough to convince him Buchanan's advice was not well-founded, and that his meddling at this time is mischievous. Buchanan has been imparting his views to Glenelg. Had an interview with Buchanan a day or two before. Buchanan dealt wholly in generalities, has no specific facts. On Head's reaching New York, Buchanan urged same arguments with him and successfully, the result being that Baldwin, brother of Buchanan's son-in-law, and some other Reformers were admitted to Executive Council. The ultimate consequence of this was the rebellion. Buchanan mentioned Chief Justice as head of Family Compact. Robinson stands highest for integrity and ability in estimation of all men of all parties. Buchanan overlooks struggle Family Compact has long maintained against measures leading to Republicanism. Americans and many Canadians have looked upon annexation as inevitable. Durham's arrival and late measures of Government in England have discouraged this view. Durham need apprehend no opposition from Tory party. p. 75

Government
House,
July 10.

Arthur to Durham. Private. *A.L.S.* Colborne advises him of arrangements by which Arthur is to meet Durham at Niagara, and not Kingston as Arthur had intended. Conditions at Niagara so much better that Lady Durham may go there quite safely. Hopes Durham will not receive address at Kingston until his return. This will enable them to get a much larger number of signatures; also, that he will pass through Western District of Upper Canada. This would give great satisfaction. p. 93

Government
House, P.E.I.,
July 11.

FitzRoy to Durham. No. 3. *L.S.* Acknowledging despatch of June 18, respecting Crown Lands. Will carry out directions. p. 97

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Harvey to Couper. *A.L.S.* Functions of Executive Council suspended until names of members approved by Governor General; asks for early intimation on Durham's part. Boundary question quiescent until September 1. Hopes peace may continue after that date. 1838.
Fredericton,
July 14.

p. 100

FitzRoy to Durham. No. 4. *A.L.S.* Acknowledging letter of July 3. As requested will proceed to Quebec, to meet Durham when latter returns from Upper Canada. Government
House, P.E.I.,
July 15.

p. 112

Harvey to Durham. No. 4. *A.L.S.* Enclosing copy of despatch to Glenelg respecting proceedings in disputed territory. Fredericton,
July 16.

p. 116

Enclosure:

Harvey to Glenelg. No. 43. *Copy.* On arrival from Quebec on July 11, he received report from Warden of Disputed Territory, which with accompanying documents he encloses. It will be seen that object of Surveyor General of Maine was confined to making such exploratory survey on Upper Aroostook as might enable him to locate settlers at some later period. He learns that lands are inferior in quality, and many intending settlers have abandoned idea of settling. As proceedings involved no question of sovereignty, it is not necessary to follow up Warden's protest. Copies of papers in case sent to Durham and to Fox. Learns no overt act will be taken before September 5, and has grounds for hoping that more moderate counsels will prevail with Government of Maine before that period. As his absence during visit to Quebec was so short, he made no formal transfer of civil authority to his immediate military subordinate, Colonel Goldie, but had instructed him to take command of troops, and he was thus in position to assume civil administration, if circumstances made this necessary. No such necessity arose. Fredericton,
July 14.

p. 120

Enclosure:

Maclauchlan to Harvey. Report mentioned. Received nothing but goodwill from Mr. Whipple, Surveyor General. Gave Dr. Holmes the Governor's assurances that his Geological Survey through disputed territory might be carried on without interruption, for which he was thanked. Entrance of
Restook
river,
July 5.

p. 130.

Sub-enclosures:

(a) J. A. Maclauchlan to S. S. Whipple. Protest against infringement of sovereignty. "Restook"
river,
June 27.

p. 138

(b) S. S. Whipple to J. A. Maclauchlan. Reply that he was acting and would continue to act under orders of Government of Maine. "Restook"
river,
June 28.

p. 144

Prescott to Durham. No. 2. *L.S.* Replying to despatch of June 1. Legislature opened June 20, and has proceeded satisfactorily. Differences between Council and Assembly which led to failure to vote Appropriation Act in 1837, were composed by Royal mediation and measure has passed. Delegation from House of Assembly visited England last year, and returned satisfied. Allegations made in Assembly against Chief Justice (Boulton) referred to Committee of Privy Council: result not yet known. Revenue equal to ordinary purposes and for moderate progress; consists principally of 2½ per cent import duty. Agriculture progresses but slowly. Some smuggling from St. Pierre and Miquelon. Coast of Labrador has very scanty fixed population; there are no courts or magistrate or customs officer, but apparently their absence occasions little practical inconvenience. Concurrent fishing rights on French shore, most perplexing matter on Island. Government
House, St.
Johns, New-
foundland,
July 16.

p. 148

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1838.

Washington,
July 16.

Fox to Durham. Private. *A.L.S.* Regarding Maine Boundary question, there is less danger of partial disturbance with Maine; but more of a serious difference ultimately with United States Government. Awaiting orders to proceed with negotiations for commission of survey. p. 155

Government
House, New-
foundland,
July 17.

Prescott to Durham. No. 3. *A.L.S.* Acknowledging letter of June 18, respecting Crown Lands. Had carried out directions. By orders from Glenelg, question was laid before Assembly, but he hopes to suspend operations. No lands will be alienated beyond grants already promised. p. 160

Government
House,
July 17.
Toronto,
July 18.

Arthur to Couper. *A.L.S.* Respecting Durham's movements. p. 164

Macaulay to Turton. *L.S.* Respecting the numbering of despatches. p. 167

Halifax,
July 18.

Campbell to Durham. Private. *A.L.S.* Acknowledging confidential communication of June 29, and will repair to Quebec as desired. Question of conveyance. p. 170

Fredericton,
July 19.

Harvey to Durham. No. 5. *A.L.S.* Enclosing with his warm recommendation, petition from the Chamber of Commerce of St. John, urging the advantages of a canal between the Bay of Fundy and the Gulf of St. Lawrence. p. 173

Enclosures:

St. John,
June 18.

(1) Petition mentioned. *On parchment.* (Mutilated). p. 180

St. John,
June 18.

(2) The foregoing petition with a report on the Baie Verte Canal signed by Thomas Telford. *In print.* p. 181

St. John's,
Newfoundland,
July 19.

Prescott to Durham. No. 4. *L.S.* Regrets that for reasons which he states—dissensions between two branches of Legislatures; Supply Bill not yet passed; prevalence of religious and political factiousness—he would not be able to go to Quebec. p. 184

Fredericton,
July 20.

Harvey to Turton. Private. *A.L.S.* Has been informed by some American gentleman of the happy consequences in United States of the Governor's clemency towards Montreal prisoners; also that Maine has no hostile designs towards disputed territory, but will leave settlement to United States Government. Has proposed to Chief Justice Ward Chipman to publish paper on British claims. p. 188

Prince
Edward
Island,
July 23.

FitzRoy to Durham. No. 5. *A.L.S.* Acknowledging despatch of June 30 referring to one of June 18. Will see that no alienations of Crown Lands take place. From manner in which lands were disposed of long before, there is very little Crown Land left in Island. p. 196

Halifax,
July 23.

Campbell to Durham. No. 2. *L.S.* Acknowledging despatch of June 30 respecting Crown Lands. Is in hearty accord with Durham's views and will promote their realization by all means in his power. p. 200

Toronto,
July 23.

Arthur to Durham. No. 12. *L.S.* Acknowledging despatch (No. 5) respecting warrant signed for £16,917-19-4, being Upper Canada's share of duties collected at Quebec. Regrets diminution in amount. p. 204

The
Bermudas,
July 23.

Chapman to Durham. *L.S.* Acknowledging despatch of July 3. Has also received private letter from Paget, containing writing signed by prisoners, giving parole not to escape from either "Vestal" or Bermudas, with assurance from Durham and Paget that the pledge may be relied on. Occurrence matter of great anxiety to him. Law

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authorities declare he has no power to hold the prisoners. Numerous^{1833.} opportunities for their escape, if attempted. Desirous not to embarrass Durham, he has received prisoners. They have landed at Hamilton. Hopes they may soon be removed, and no more sent. Restricted area within which prisoners are free to move. p. 208

Harvey to Durham. No. 6. *A.L.S.* Acknowledging despatch of June 30 respecting Crown Lands. Alienation of any considerable tracts virtually suspended as result of act by which Crown Lands were transferred to Legislature in return for Civil List. By regulation made by him in Council, future grants limited to small lots to emigrants or others actually settling. p. 218

Arthur to Durham. No. 13. *L.S.* Acknowledging despatch (No. 6) of June 30 respecting Crown Lands. Question has occupied him for some time. Various regulations have been in force since Dorchester's time. Notwithstanding all precautions extensive grants made many years ago still lie uncultivated. Spirit of speculation probably too strong for control. No desire to censure predecessors. Legislation imposing assessments on all lands, and rendering them liable to sale has not produced all the good results looked for. Will prevent further alienations as far as possible. Recent legislation will enable him to do this. But must accede to claims for locations, which consist of (1) U.E. Loyalists rights, that is, claims of children of Loyalists; (2) claims of members of volunteer companies first embodied during War of 1812; (3) claims of persons who emigrated from Scotland about 1815, under certain conditions; (4) claims of Naval and Military officers who can obtain locations on Crown Lands, which are put up to auction but remain unsold. Claims under first two heads understood to be still numerous. These may be located in certain specified townships. Little land remains unlocated in these townships, unless of inferior quality. Part of this land has been taken by persons weary of delay, who await more advantageous locations in new townships. Has opened no new townships though 180,000 acres have been surveyed for that purpose. Recent act permits holders of United Empire Loyalists and Militia claims to purchase valuable Crown and Clergy Reserves and tender their claims at a valuation of 4 shillings an acre. He fears eventual embarrassment from number of claims to be satisfied compared with land available. The necessity of setting apart certain portions in every new township for location of these claims will materially reduce revenues to be derived from sales under improved system. p. 225

Durham to FitzRoy. No. 4. *A.L. Initialed.* Acknowledging despatch No. 1. Paget will send "Pearl", which will be stationed with the "Charybdis" in Gulf. Will advise Minister at Washington of outrage on "Sir A. Campbell." p. 248

Durham to Fox. No. 3. *A.L. Initialed.* Advising of outrage on "Sir A. Campbell." p. 252

Fox to Durham. Private. *A.L.S.* Introducing Mr. Featherstonhaugh. p. 256

Arthur to Durham. *A.L.S.* Respecting commission to Buller. Provincial Law Officers advise that commission is at variance with commissions both of Durham and Arthur, and that Lieutenant Governor alone can issue such a commission. p. 259

Harvey to Couper. *A.L.S.* Pleasure at Durham's triumphal tour in Upper Canada. Hope that he might visit Maritime Provinces. p. 259

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1833.

Asks for certified transcript of names of persons given in instructions to Durham, as appointed to Executive Council in New Brunswick.

p. 262

Toronto,
August 8.

Arthur to Durham. No. 14. *L.S.* Enclosing correspondence with the incorporated Banks of Upper Canada regarding resumption of specie payments. To elucidate subject, he sends copy of Act of July 11, 1837, authorizing suspension of specie payments. This Act is continued by Act of January 12, 1838, until close of next ensuing session of Parliament. Another Act passed March 6, repeals clauses 6 and 7 of Act of July, and grants power to banks to put their notes into circulation to amount not exceeding twice paid-up capital. The Act of July having permitted suspension, he has lost power over question, and cannot insist on resumption before time fixed in Act. Prices of precious metals in New York have fallen since subsidence of excitements on Frontier, and preparations are being made in leading States for resumption of cash payments; hence necessity for resuming in Canada.

p. 266

Enclosures:

Toronto,
July 17.

(1) John Macaulay, Civil Secretary, to Presidents of Bank of Upper Canada, of the Midland District, and of Gore Bank. Setting forth considerations indicating desirability of resumption of specie payments, which would be facilitated by recent large importations of specie and the low rate of exchange.

p. 272

Commercial
Bank,
Midland
District,
Kingston,
July 23.

(2) John S. Cartwright, President, to Macaulay. Will resume specie payments as soon as he is advised of intention of other Banks to do same.

p. 283

Gore Bank,
Hamilton,
July 24.

(3) James Whyte, President, to Macaulay. Will at once communicate with other Banks with view to give effect, if possible, to Governor's views.

p. 287

Bank of Upper
Canada,
Toronto,
July 20.

(4) Wm. Proudfoot, President, to Macaulay. Has called full meeting of Board to consider question.

p. 291

Government
House, P.E.I.,
August 10.

FitzRoy to Durham. *A.L.S.* Enclosing depositions respecting outrage on "Sir Archibald Campbell"; also, as regards aggressions committed by American fishermen on coasts and within harbours of Island.

p. 293

Enclosures:

P.E.I.,
July 18.

(1) Affidavits of Eugene McCarthy, Charles McCarthy, Cornelius McCarthy, John Tate, Patrick Dalton, Wm. Nelson Howard and James Allen.

p. 297

August 8.

(2) Thomas B. Tremain to FitzRoy. *A.L.S.* Has had fishing establishment on North East Shore. Every year American vessels to number of 500 or 600 infest whole coast and harbours, taking the fish between half a mile and two miles from shore. They take on fair average 300 barrels of mackerel per vessel, and many vessels return for second cargo. At smallest original value, catch is worth £150,000, or, if taken on Island, would make export trade of £225,000 a year. All may be said to be taken within 3 miles of shore. Methods of taking fish so destructive that in few years the fisheries will be valueless. There is also much plundering of unprotected property, and smuggling carried on. Suggests employing fast sailing vessel of about 100 tons. A large ship is no use, being easily detected.

p. 322

Toronto,
August 10.

Arthur to Durham. No. 15. *L.S.* Enclosing despatch from Glenelg respecting addresses from Legislature praying that surplus

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revenue from Post Office be assigned to provinces, and that $2\frac{1}{2}\%$ ad valorem duty be imposed on imports at Quebec, to help meet the interest on debt incurred by Upper Canada in prosecution of public works. Encloses Imperial Bill of 1834, and draft bill for adoption by Legislatures; also, reports and address. From these it would appear that the obstacle to settlement of question is improbability of several Legislatures concurring in acceptance of draft bill. Can give no useful information, not contained in address, respecting the question of the ad valorem duty. p. 326

Enclosures:

(1) Glenelg to Arthur. No. 106. *Copy.* Asking him to communicate with Durham respecting these matters. p. 336

Sub-enclosure:

Spearman to Stephen. *Copy.* A necessary preliminary to settlement of question of Post Office revenues, is concurrence of Legislatures on basis of Act of 1834. Matter should be laid before Durham; likewise the question of duty on imports at Quebec. p. 339

(2) Joint address of Legislative Council and House of Assembly of Upper Canada, respecting the surplus Post Office revenue. p. 343

(3) Joint address of Legislative Council and House of Assembly of Upper Canada, respecting the imposition of $2\frac{1}{2}\%$ duty on imports at Quebec, to pay interest on debt of Upper Canada incurred for public works. p. 346

Arthur to Durham. No. 16. *L.S.* Enclosing copy of despatch from Glenelg, respecting Arthur's representation that he had removed a number of prisoners, indicted for high treason from the common gaol of district to Quebec for more secure detention. Is confident Durham will remove any legal difficulties which may arise. Fourteen prisoners under sentence of transportation, escaped from Fort Henry at Kingston. Under Special Commission sitting at Niagara, 16 capital convictions obtained. Morrow (Morreau) has been executed; the majority of rest will be transported. Province perfectly tranquil. p. 349

Enclosure:

Glenelg to Arthur. *Copy.* Acknowledging despatch (No. 24) of June 1. Approves of course taken. Has no doubt Durham will quiet any legal difficulties that may rise. p. 355

Durham to Harvey. *Rough draft in Buller's handwriting.* Acknowledging despatch (No. 6) of July 30; and expressing hearty appreciation of goodwill and desire of Governor and Council to cooperate. p. 358

Durham to Arthur. No. 7. *Rough draft, initialed by Durham.* Has had application for clemency to Samuel Chandler and Benjamin Wait. Though reluctant to interfere with Arthur in such a matter, his commission requires him to exercise his judgment in all cases arising out of late insurrection. Refers to documents supporting his view of his duty—Glenelg's despatches to him (Nos. 8 & 21),—and asks for report on all cases in Arthur's hands. p. 364

Couper to Arthur. *Copy.* Letter to be delivered to him by wife of Benjamin Wait and daughter of Samuel Chandler, who went to Quebec to supplicate mercy for these men. Despatch goes forward by special messenger. In meantime Durham requests that no further executions for high treason take place without further communication from him. p. 376

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1838.

Fredericton,
August 16.

Harvey to Durham. No. 7. Confidential memorandum. *A.L.S.* Observations of Durham's plan for settlement of constitution. Objection to substituting one general for the several local Legislative Councils: Queen's representative in each province would be more exposed to direct collision with Assembly. It might be that a local Council of advice and opinion would afford adequate protection, more especially as General Legislative Council would form sort of high court of appeal under presidency of Governor General. Chief embarrassments have arisen from hostility between Assemblies and Councils, and the collisions have been attributed justly or unjustly, to High Church and High Tory proclivities of latter. Hence he inclines to think that extinction of Legislative Councils would be regarded with satisfaction by Assemblies. In New Brunswick these conditions do not exist. Legislative Council sufficiently liberal to co-operate heartily with Assembly, and their dissolution would be regarded with disfavor by masses of people. General indisposition in province against connection with French Canada, and reluctance to surrender to any other body the control of any portion of its revenues, to the full possession of which they have so recently succeeded. Considers plan of legislative union should be at first confined to the two Canadas, the other provinces being kept free to join when they recognize benefits of union. This may not be at a very remote period. New Brunswick entirely satisfied with present position of affairs. With regard to suggestion of a Provincial Council of advice and opinion, that is precisely the machinery through which he is operating so satisfactorily. His council consists of 5 members, which includes 3 members of the Assembly. Success of his administration attributed to this device. Would be prepared to send delegates to Quebec to represent sentiments of province.

p. 378

Cornwall,
August 20.

Arthur to Durham. Separate. *L.S.* Disputes Durham's notion of his right to interfere, but delaying full reply until his return to Toronto. Morreau, an American, was executed; intention was to punish capitally the worst offender, who was British subject, and either pardon the others or subject them to secondary penalty. Glenelg's correspondence with Arthur confirms latter in opinion that these matters are within his sole jurisdiction. Chandler and Wait respited, though aggravated cases.

p. 390

Montreal,
August 21.

Durham to Arthur. No. 8. *A.L. Initialed.* Acknowledging receipt of letter of 20th, to which he defers reply. Sends copy of Glenelg's despatch of July 14.

p. 399

Quebec,
August 24.

Durham to Arthur. No. 9. *Copy.* Regrets evidence of lack of co-operation. Insists upon his right and duty to take cognizance of such matters. Power of pardoning for treason exercised by Lieutenant Governor under authority delegated from Governor General, but such delegated authority not exempted from general subordination to Governor General. Criticisms of decision to select one case for capital punishment. Request repeated for full report.

p. 403

Castle of
St. Lewis,
August 24.

Durham to Chapman. No. 2. *A.L. Initialed.* Acknowledging despatch of July 28, and thanking him for attention to his wishes.

p. 412

Castle of
St. Lewis,
August 25.

Durham to Fox. No. 4. *A.L. Initialed.* Enclosing copy of a despatch from Arthur, containing memorial from owners of "Sir Robert Peel", claiming compensation for loss, for suitable action.

p. 415

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Copy of *The Colonial Herald* containing what it learns to be the essential features of Durham's scheme for the constitution of the united colonies. p. 417A

1838.
Charlottetown,
August 29.

Arthur to Durham. No. 17. *L.S.* Protesting against Durham's course in interfering with the right and duty of the Lieutenant Governor to exercise the pardoning power. The interference has a tendency to weaken the authority of the Executive. The Lieutenant Governor must take into account the feeling of the Legislative bodies with whom he must act. They would look sharply into any innovations upon the constitution of the province. He informed Durham of his having resipited Chandler and Wait. Reviews the terms of his separate despatch from Cornwall, and indulged the hope that Durham would withdraw the instruction, when he recognized that it implied want of confidence in him, and would prejudice him in removing from him the prerogative of mercy. Durham's despatch (No. 8) dissipated this expectation, and he laid the despatches before the Executive Council, along with Mr. Justice Jones' report on the trials at Niagara. After careful consideration the Council drew up their opinion and embodied it in the Minute which he transmits. The sentences, on all the prisoners are suspended until October 1, to enable Durham to consider the cases. He had suggested to Glenelg that he should have unfettered discretion as regards pardons. When he wrote to Glenelg, he was not acting under Durham's commission, which enables Lieutenant Governor, in Governor General's absence, to pardon even in cases of treason, and because the Provincial Act which received Royal approval authorized Lieutenant Governor to extend mercy only with advice of Executive Council; and the Council whose anxiety to do their duty, in justice towards the country, and in mercy towards the prisoners cannot be too highly commended, could not bring themselves to advise any further extension of clemency. He is anxious that as far as possible his proceedings should be supported by Council. He has made it his endeavour to reconcile public mind to as wide an extension of mercy as possible, and where applications for pardons have been received, he has recommended that the interposition of respectable and loyal persons should be procured in order to warrant Government in extending clemency. On receipt of Glenelg's despatch (No. 111) of July 12, he directed Council to review the cases again; and he himself visited the gaols in the eastern part of the Province to hear what prisoners could urge in their pleas for mercy. His effort is to find way of giving effect to the wishes of the Government in England without giving occasion for strong remonstrances or dissatisfaction in province. Assumes Durham does not desire to restrict his powers of action in dealing with the prisoners, respecting which he has the distinct authority of Secretary of State. Asks Durham to observe that, even if he is mistaken in the view he has formed of Glenelg's despatch, the expressions of that despatch may lend themselves to that view. p. 418

Toronto,
August 29.

Enclosures:

Glenelg to Arthur. No. 111. *Copy.* Acknowledging despatches Nos. 22 and 26. Glad to find that his conclusion that the number of persons to undergo punishment might be materially lessened, is confirmed by later despatch. He can only express concurrence in his opinion. "You will perceive on referring to the Earl of Durham's commission, which, during his Lordship's absence from Upper Canada you are authorized to execute, that the Royal Prerogative of

Downing
Street,
July 12.

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1838.

Mercy is delegated to you without the exceptions formerly made in the cases of Murder and High Treason. It is, therefore, in your power either to grant pardons in particular cases, or even to declare a general amnesty. But in any measure of the latter description it would be obviously very inconvenient that a different principle should be observed in Lower and in Upper Canada. This is consequently one of the subjects on which it is fit that you should act in concert with the Earl of Durham". Concurrence with Arthur's views regarding banishment, and with the distinctions drawn between political offences and crimes of ordinary concurrence. His views regarding transportation also approved. Glad to learn that time was shortly at hand when mercy may be extended without risk of remonstrance or discontent. "I agree with you that this reduction (in number of persons marked for transportation) should in appearance as well as in reality originate rather with the Provincial than with the Home Government". Arthur is given authority "to relieve from the sentence of Transportation, and from the inferior penalties of Banishment, Imprisonment or Confiscation, any persons whom you may think worthy of that indulgence"—not as reversing wrong judgments, but as acting upon information which the Executive Council did not possess, and upon views to which the legal tribunals could not advert. Persons to whom indulgence is extended should find securities for future good conduct. Her Majesty's approbation to be conveyed to Executive Council. Copies of correspondence should be transmitted to Durham.

p. 440

Government
House,
Toronto,
August 27.

Minute of Executive Council. His Excellency laid before Council Durham's despatch of August 16 and several other documents, with request for their advice. After deliberation for some hours Council adjourned.

p. 451

Government
House,
Toronto,
August 29.

(2) Minute of Executive Council. Consideration of Durham's despatch of August 16. Council observe that Durham conceives that his instructions impose upon him the duty of exercising the power of pardon in all cases of treason. Council maintain that there is no legal authority by which the Lieutenant Governor can divest himself of "the responsibility and discretion required in acting according to the constitution of the province under the commission which, in the absence of His Lordship, Your Excellency executes". If Governor's view is correct, then the Council has been mistakenly advising on questions involving life and death of fellow subjects; and the fact that they had done so for so long, without remonstrance from Governor, does little to mitigate gravity of their course. Arthur's duty was to act as much as possible in conformity with views of Governor, and this he has striven to do, as far as his policy was understood. That the power of granting pardon was conferred on Arthur, in Durham's absence, is stated in precise terms, in Glenelg's despatch of July 12. Although Durham's high influence and authority may uphold Arthur's policy, "the functions of Governor of the Colony remain to be discharged by Your Excellency according to your oath of office." Painful consequences if Durham took on himself to hear appeals from decisions of Lieutenant Governor. Appellate jurisdiction of this sort has been sedulously avoided by the Government in England. Lieutenant Governor has sought to carry out views of Durham, and it is remembered that on more than one occasion while in Upper Canada, Durham with reference to invasion of Upper Canada declared that summary and immediate execution might not improperly have been

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carried into effect instead of awaiting the deliberate course of proceeding. Popular feeling was gratified by these declarations and Council felt thereafter that Government was more likely to be charged with not acting up to extent of Durham's policy, than with exceeding it. Government are apparently not acting in accordance with Durham's declared policy, and popular mind is exasperated and impatient. State of feeling in United States, and its effect as regards necessary action in Upper Canada. Council fixed in opinion that prompt and exemplary punishment is necessary in case of late incursions, and would have recorded their conviction, had the point been raised, that, in the execution of Morreau, Arthur was acting in accordance with expressed views of Durham. After reciting facts in cases of Beamer, Chandler, Wait, McLeod, Brown and Warner, Council notes the care of militia to act always within the law. This was due to their confidence that prompt punishment would follow trial. If confidence destroyed, the militia would either relax in their zeal for the country's safety, or take law into their own hands and slay prisoners on the spot. Inviting attention to that part of Glenelg's despatch in which Arthur was authorized to relax the severity of sentence "not as reversing wrong judgments, but as acting upon information which the Executive Council did not possess, and upon views to which the Legal Tribunals could not advert", and noting the opportunity this view gave the Lieutenant Governor to take advantage of any kindlier public sentiment that might manifest itself, the Council point out that appeals to the Governor General from the Lieutenant Governor's decisions would create impression that his decisions were unnecessarily severe and impolitic, and thus extensions of mercy, which would tend to strengthen the Governor if granted by him, would undermine confidence in him if granted by Durham. The appearance of divided authority could scarcely fail to create in Province a Governor General's party and a Lieutenant Governor's party, with fatal results to authority of both. There is also danger of exciting resentment of those who believe that Constitutional Act of 1791 gave to Upper Canada an Executive Government, to whom they have access, and who, through medium of Home Government, are responsible for conduct of their affairs; also, want of confidence in Lieutenant Governor as it is observed that his powers under his commission, are unduly restricted. Lieutenant Governor having heard report decided in deference to Durham's wishes to respite the prisoners until October 1, and to transmit all papers to Governor General, together with reports on the other cases tried in Niagara District. p. 457

Arthur to Durham. No. 18. L.S. Acknowledging despatch No. 9. Concern that Durham should attribute to him an absence of perfect co-operation with Durham. He is actuated by entirely opposite spirit from that imagined by Durham. Explains the course pursued between the desire to extend clemency to utmost limits, and the necessity of exemplary punishment, coupled with the public indignation as to undue leniency towards those from whom they had suffered. His steady endeavour has been to bring over public mind to regard with some complacency the lenient dealings which the Home Government have pressed upon him. Disappointment on receiving Durham's despatch regarding Chandler and Wait. His despatches to Durham were dealt with when they met together in

Toronto,
August 31.

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Toronto, and at that time he could not discover the slightest difference of opinion between them, except that Durham thought that offenders should have been more promptly brought to trial. Arthur insists that he thought he was acting in concert with Durham so far as the latter's sentiments could be discerned from his answers to addresses, his public declarations and from the personal communications between them. Durham's view that the power of pardon, which the Lieutenant Governor exercises, in absence of Governor General, is a delegated power, subject in its exercise to the general subordination to instructions from the Governor General, is not in accordance with his own instructions in Glenelg's despatch (No. 111). He is not struggling to a position of equality with Durham, but, in his humbler sphere, he has his duty to perform. He is ready to follow any general instructions he receives from Durham, but the consideration of, and decision upon, particular cases of crime and the exercise of pardoning power in such cases devolve upon him as officer administering government of province. He corrects a misapprehension of Durham's that, in selecting cases for capital punishment, he made an arbitrary choice, instead of picking out the most guilty. Account of measures taken.

p. 514

Toronto,
August 31.

Arthur to Durham. *A.L.S.* Acknowledging despatches Nos. 8 and 9. p. 556

Government
House,
Toronto,
August 31.

Hon. John Macaulay to Buller. Acknowledging letter of August 17, respecting Theller, Sutherland and other prisoners sent from Toronto to Quebec on June 2. Replying to statement that until receipt of two letters of August 9, Durham had had no official communication respecting these prisoners; Macaulay draws attention to letters of April 26, and one accompanying the prisoners. Despatches Nos. 2, 3, 5, 16, give all particulars. Legal differences as to crime for which they should be tried. As Ogden considers pardon necessary for Sutherland, is transmitting the same from Arthur, the security to be prescribed by Durham. Q. 248 p. 109

Enclosures:

Government
House,
June 1.
May 31.

(1) Arthur to Colborne. Giving his reasons for sending certain political prisoners to Quebec. Q. 248 p. 114

(2) Minutes of Executive Council of Upper Canada, respecting this subject. Q. 248 p. 117

June 1.

(3) Hagerman, Attorney General to Ogden. Stating that Sheriff Jarvis is taking to Quebec a number of prisoners whose names are mentioned, and giving certain details respecting Theller and Sutherland. Q. 248 p. 120

Halifax,
September 4.

Campbell to Durham. *L.S.* Since his return from Quebec on August 20, he has been employed in selecting gentlemen to form delegation to wait on Durham. They are, Johnston, Solicitor General; Uniacke, Member of Executive Council and Assembly; Wm. Young, a Member of Assembly; and Mather Almon, banker and merchant.

p. 559

Halifax,
September 4.

Campbell to Durham. Private. *A.L.S.* Letter of introduction to delegates, to be delivered by Johnston whom he describes as an able and well-informed man, who has given much attention to Colonial affairs. The father of Uniacke prepared a paper on union of all provinces in 1826, which was well considered by Bathurst, but laid aside as things were then tranquil. Delegates generally of opinion that union would be desirable, but persuaded Maritime Provinces

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would not willingly come into scheme. In their view a union of the two Canadas, and another of the Maritime Provinces would be more acceptable, though they appear averse to any change with respect to Legislative Council; also, to the salaries of officers of Government being dependent upon vote of Assembly. For himself he believes union of all the provinces to be "the only means of securing the tranquillity and strengthening the connection of these flourishing Provinces with Great Britain." p. 562

(A copy of Uniacke's paper can be found in C.O. 217, vol. 146, p. 332, Canadian Archives.)

Harvey to Durham. No. 8. Confidential. A.L.S. Has spent fortnight in northern and eastern parts of Province. Much gratified by great natural resources and character of people. Is sending delegation to Quebec, composed of Hon. Charles Simonds, Speaker of Assembly and member of Executive Council; Hon. W. H. Johnston, member of Assembly and of Executive Council; Hon. A. E. Botsford, member of both Councils; Hon. Joseph Cunard, member of Executive Council; Hon. H. Peters, Legislative Councillor and former Speaker of Assembly; Alex. Rankin, leading merchant. He proposes to add 2 or 3 merchants from St. John, one of whom—J. Kirk is in Quebec. p. 566

FitzRoy to Durham. No. 7. A.L.S. Introducing delegation from Island—Hon. T. H. Haviland, Treasurer and member of Council; George Dalrymple, Speaker of Assembly; and Joseph Pope, member of Assembly. p. 583

Arthur to Durham. No. 19. L.S. Enclosing a correspondence which took place between Captain Sandom and General Macomb, and observing that it is improbable that there can be any effective co-operation between the forces of the two governments. p. 587

Enclosure:

Sandom to Arthur. Copy. Report of operations. On June 26, he and Colonel Dundas waited on General Macomb at Sackett's Harbour, to concert measures for suppression of piracy in Thousand Islands. It was agreed that British and American forces should work conjointly, without regard to sovereignty of territory, and that prisoners taken should be handed over to authorities within whose territory they were apprehended. The British officer captured 2 men on Grindstone Island in American territory. They were handed over to American officer. He learned afterwards that the prisoners were released without the people who had captured them being called upon to give testimony. He corresponded with Macomb, and in his last letter, the latter withdrew his sanction previously given respecting search on United States Islands. This renders his efforts unavailing. p. 593

Sub-enclosures:

(a) Macomb to Sandom. Copy. On enquiry he finds it will not do to continue arrangement for indiscriminate search by both parties in each others territory, on account of the excitement it was causing on the American side of line; and asks that it be considered as having ceased. The two prisoners were turned over to civil authorities, but their arms are essential as evidence. Asks that they be delivered up. p. 605

(b) Sandom to Macomb. Copy. Returning arms taken with the prisoners, and furnishing names of captors who would be required as witnesses. p. 613

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Kingston,
July 25.

(c) Sandom to Macomb. *Copy*. Asks for favour of answer to letter of 20th. Has learned of liberation of prisoners. Asks him to bear in mind the good faith by which the mutual agreement was conceded on both sides. Evidence fully justified both United States and British officers in steps to bring prisoners before proper tribunal.

p. 616

Government
House, P.E.I.,
September 8.

FitzRoy to Durham. No. 8. *A.L.S.* LeLacheur is circulating statement that Durham has promised a Court of Escheat. Asks for information as to answer given to LeLacheur.

p. 620

Government
House, P.E.I.,
September 8.

FitzRoy to Couper. *Private*. *A.L.S.* Introducing Haviland, whom he describes as "an extremely clever and well-informed man"; also, mentioning the other two with commendations.

p. 624

Fredericton,
September 9.

Harvey to Buller. *A.L.S.* Enclosing memorial from Committee of Quebec and St. Andrews Railroad, with other documents.

p. 628

Enclosures:

St. Andrews,
August 18.

(1) Acting Committee of Railroad to Durham. Setting forth project, and soliciting patronage, in view of fact that line would run through Disputed Territory.

p. 631

Fredericton,
September 8.

(2) Private Secretary to Committee, Lieutenant Governor will submit question of railroad to Governor General.

p. 635

Fredericton,
September 11.

Harvey to Durham. No. 9. *A.L.S.* Transmitting copy of report of Warden of Disputed Territory from which it will be seen that although Commissioners to run the Boundary Line have been appointed by Governor of Maine, no measures have been taken to which objection may be made. He has been asked by Glenelg to submit suggestions for settlement of boundary question.

p. 638

Enclosure:

Fredericton,
September 11.

Maclauchlan to Harvey. *Copy*. Letter mentioned.

p. 642

Fredericton,
September 14.

Harvey to Durham. No. 10. *A.L.S.* Enclosing correspondence between Glenelg and himself respecting boundary question.

p. 645

Enclosures:

Downing
Street,
July 14.

(1) Glenelg to Harvey. No. 107. *Copy*. Asking at Palmerston's instance, for suggestions.

p. 649

Fredericton,
September 11.

(2) Harvey to Glenelg. No. 53. *Copy*. His opinions on boundary have undergone no change, each nation having failed in satisfying the other of the superiority of its claim. He would propose to pursue course which would be adopted by rational and dispassionate relatives in like circumstances, which is, to divide disputed territory as fairly and equitably as possible between the two claimants. The object proposed by Treaty of 1783 was to adjust the boundary line in a manner to remove all cause of future dispute and collision. On this principle, let each party retain that portion most contiguous and convenient to it, and let neither acquire any that would give it undue advantage by interfering with security of the other. All Great Britain requires is safe communication with Canada, and jurisdiction over Acadians in Madawaska. Believes award of King of Belgians just and impartial. He would propose a conventional commercial agreement giving Americans free use of St. John river from source to mouth. Mentions advantages—introduction of capital, and extinction of national prejudices. This is principal object with Americans. Thinks Americans with this would not object to line of railroad through their territory, which would be beneficial to them. If a few fair-minded men on both sides, imbued with these ideas, could meet, an understanding would

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be reached which would require only ratification of the two Governments. All this is on assumption that neither party can get indisputable evidence as to line contemplated in Treaty of 1783. p. 652

(3) Extract from Mr. Odell's letter. Account of opinion in country through which he travelled. p. 660

Harvey to Durham. Confidential. A.L.S. Acknowledging confidential letter of 6th. Delegates should reach Quebec by 20th. Hopes they may be as convinced as he himself has been of wisdom of Durham's views. Will do everything possible to forward them. Has considered it his duty to mention to him the opposition to those views in quarters least expected. Propositions as imparted by him, under public discussion in province. p. 664

Durham to Arthur. Confidential. Copy. Enclosing letter, open, addressed by him to Chief Justice Robinson. Asks him to seal up letter after perusal and forward it. Scheme as amended has warm approval of delegates from Nova Scotia and Prince Edward Island. Delegates from New Brunswick expected at end of week. When plan is complete will send Arthur a copy. p. 671

Enclosure:

Durham to Robinson. Copy. Regrets being deprived of his advice; hopes for recovery of his health. His intention is not to propose changes in provincial constitutions. Legislative Councils will remain as at present. All will be gain to provinces. They will be able, in addition, to send 10 members to General Assembly, and 2 to Imperial Parliament. Members of General Assembly should be elected by constituent body, and not by Provincial Legislature. He is not pressing any points to which Robinson apprehended objection and has no desire to force his own opinions against settled convictions of those who are entitled to respect and consideration. p. 675

Durham to Arthur. No. 10. Copy. Acknowledging despatches of 29th and 31st August, with several enclosures. Gratified at tone of his despatches, but displeased with criticisms of his policy by Executive Council. Maintains attitude of non-interference with Lieutenant Governors, except in cases where the larger policy applicable to all the Provinces is infringed upon. In cases of Chandler and Wait, his only concern was that general policy adopted regarding both Provinces should not be compromised. Imperative that British Government should not appear to act on two different principles in Upper and Lower Canada. In Lower Canada, the whole of the cases arising out of insurrection have been disposed of: gaols emptied; punishments to be inflicted, allotted; no uncertainty of any sort remains. Effort should be made to reach same results in Upper Canada. There state of feeling enables enforcement of law by ordinary legal means. Severe example has been made of most notorious offenders. Excitement should be stopped by immediate trial of all others in custody, without infliction of further capital punishment, and amnesty to all except most prominent. Assumes no executions of persons implicated before Short Hills affair. Strongly criticises decision under which Jacob Beamer is to be made to suffer. Would not withhold utmost severity where demanded, as in cases of piratical outrages on frontiers, but extreme penalty should only be applied in period of insurrection, at moment of commission of crime. Arthur has supplied proof of a change of feeling in Upper Canada, which makes humane course the proper one. If Arthur not convinced, it is

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hoped he will reprieve Beamer, and requests that this be done, at least, till Colonial Secretary heard from. Importance of all prisoners being brought to trial or discharged without loss of time. Most anxious that some measure of amnesty be adopted which will permit all but the most dangerous and guilty of the refugees to return to their homes.

Q. 247 p. 230 verso.

Government
House, P.E.I.,
September 20.

FitzRoy to Durham. *A.L.S.* Report on Magdalen Islands. Resident population about 1600, engaged principally in fishing. System of agriculture imperfect, though soil seems capable of advantageous cultivation. Sufficient quantity of barley, oats and potatoes raised for their consumption; also, a number of horses, horned cattle and sheep. Population increased rapidly within few years. Islands principal resort of Americans, and French from St. Pierre and Miquelon. Nominally under Lower Canada, but actually without government of any kind. No law observed except that of *le plus fort*. Islanders suffer from depredations, and inability to collect just debts. Imports by regular traders amount to £10,000 annually; but equal, if not larger amount brought in illicitly. Resources considerable and susceptible of large increase. These are fish, skins and oil, the exports of which equal the imports. Inhabitants chiefly French from Guernsey and Jersey, appear peaceable and well disposed. They are desirous of being placed under government of nearest colony. He suggests Prince Edward Island.

p. 679

Enclosure:

Custom
House, P.E.I.,
September 19.

Geo. Richard Goodman, Collector, to FitzRoy. *A.L.S.* Respecting means of collecting a revenue in the Magdalen Islands, in case they were attached to Prince Edward Island.

p. 687

Quebec,
September 20.

Durham to Colborne. Confidential. *Copy.* Notifying him that immediately on receipt of official intimation of disallowance of Ordinances, he will return to England and tender his resignation. As administration will devolve on senior military officer, he is giving him confidential timely notice.

p. 694

Undated.

Names of New Brunswick delegates who arrived at Quebec.

p. 697

Quebec,
September 22.

Durham to FitzRoy. *Rough draft in Buller's handwriting.* Assurance that nothing was said to LeLacheur by him or any of his staff on the subject of a Court of Escheat.

p. 698

Toronto,
September 22.

Arthur to Durham. Private. *A.L.S.* Expressing deep concern at attacks of Lord Brougham, which seem to him inspired by personal jealousy, if not animosity. Confidence in Durham throughout provinces. Hopes he may not so far give way to natural impulse as to resign. Addresses of confidence should be sent to Durham at once.

p. 701

Toronto,
September 26.

Arthur to Durham. Confidential. *A.L.S.* Acknowledging confidential letter of 16th. Forwarded letter to Robinson. Gratification expressed at alteration in original plan. Enclosing copy of resolutions to be moved at public meeting in Toronto; also resolutions on which address is proposed in Cobourg.

p. 705

Toronto,
September 27.

Arthur to Durham. No. 20. Immediate. *L.S.* Inviting attention to Provincial "Act to provide for the more speedy attainder of persons indicted for High Treason who have fled from this Province, or remain concealed therein, to escape from Justice." Attorney General has prepared proclamations against a number of persons, named herein, but he has forborne to direct their issue until he could consult Durham. Hopes for early reply.

p. 709

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Arthur to Durham. No. 21. L.S. On question of resumption of specie payments. Encloses letter from Bank of Upper Canada, giving reasons why suspension should be prolonged. It would seem probable that suspension will be continued till act expires at end of next session of legislature. Inviting attention to statement respecting metallic currency of Upper and Lower Canada, and expediency of putting them on equal footing in both provinces. p. 715

Enclosures: *Copies.*

Thos. G. Ridout, Cashier, to Macaulay. Enclosing report from Board. p. 722

Sub-enclosure:

Statement of causes which led to suspension of specie payments on part of Bank of Upper Canada, and reasons for continuing suspension: When general suspension of specie payments in United States and Lower Canada took place in May 1837, the Bank of Upper Canada had £204,000 of notes in circulation. It was resolved not to resort to suspension, and, by prudent management, when Rebellion broke out in December, it had £140,000 in specie in vaults, and only £80,000 of notes in circulation. Sudden demands on Commissary General which he was unable to meet, and although his account was overdrawn, Bank advanced him £50,000, leaving £90,000 in vaults. Subsequent advances took place—£34,417 in January, £96,618 in February and £88,892 in March—by which means the issue of notes had increased to £154,000, and specie in vaults reduced to £60,000. The probability of continuance of these demands, coupled with the impracticability of getting specie from New York, and the depletion of the specie reserve by action of Commercial and other suspended banks, who, taking advantage of the great issue made for Government, collected notes of the Bank in large sums and demanded their redemption in specie, refusing to take their own notes in exchange, compelled directors to petition for leave to suspend which was immediately granted. Commissary General concurred as he was assured of means of carrying on the service until he could receive specie from abroad at the opening of navigation. Commissary General was also aware that the extraordinary issues were based on his Treasury Bills to amount of more than £200,000 sterling. Bank consequently suspended specie payment with £60,000 in gold and silver in vaults, and upwards of £200,000 sterling in London against £154,000 of its notes in province. Bank still pays troops, staff and departments, and, where required, contractors also, in dollars. The opinion of the Bank of Upper Canada and Gore Bank on question of resumption (the Commercial Bank having declined to participate) is, that its immediate effect, owing to distressed condition of country, would be to compel Banks to stop all further discounts and call in their debts. Actions at law to recover funds would be ineffective as sheriffs' sales would not realize one-third value of goods or real estate. In stopping discounts, the advantage from large crop of wheat would be paralyzed, and country further drained of specie by farmers selling off and going to United States. It would be inadvisable to require resumption until crops brought to market.

On the question of putting the currency of two provinces on equal footing, the first thing necessary is the abolition in Lower Canada of French half-crown as legal tender. It passes for 2 shillings

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Toronto,
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Bank of
Upper Canada,
Toronto,
August 18.

Bank of
Upper Canada,
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and ninepence, while its intrinsic value is no more than 1-10^d, or 2 shillings. It is not recognized as coin in any country except Lower Canada. The base copper coinage should be prohibited from circulation and replaced by Provincial coinage of good copper. Silver coinage should be established for colonies consisting of dollars and parts of equal weight and fineness to American dollar. This silver coinage would drive out both French half-crown, and British silver against which Lower Canadians complain.

Banks are quite able to resume specie payments, but the effects would be as described. Bank notes of Lower Canada redeemable in French half-crowns would take place of Upper Canadian money. Among the circumstances making immediate resumption undesirable is embarrassed state of Provincial finances. Holders of Provincial debentures, in alarm, turn to Bank to redeem them at par on ground that they bought these debentures from Bank. Within last 6 months Bank has repurchased debentures to amount of £40,700. These are now unsaleable. To these are to be added £37,500 sterling of Provincial Debentures unsold and unsaleable in hands of their London agents. For all these reasons, Bank represents undesirability of immediate resumption of specie payments. p. 723

Government
House,
Toronto,
September 29.

Arthur to Durham. No. 22. *Extract.* Acknowledging despatch No. 10. Explains decisions and advice of Executive Council, and regrets offence given to Durham. Has, in accordance with instructions from Colonial Office, and his desire to bring his measures into harmony with Durham's views, commuted the sentence of Beamer and others implicated in Short Hills incursion, to transportation for life. Is, however, still of opinion that Beamer should have been executed. His reasons for considering Beamer's offence greater than the others. Recommendations of juries not given great weight by his council. Declares Durham misapprehended him in thinking that Chandler, Wait and Macleod should all have been executed. When Morreau was executed, it was determined that one more should be. Beamer was selected as being most deeply implicated. No material difference of opinion between them as to amnesty. The difference of opinion between masses of people in Upper and Lower Canada led him to extend mercy cautiously and progressively. In districts between Toronto and London, which he visited, general opinion was that Government had gone too far with pardons. He has however, continued the lenient course, with the result that there are few convicts awaiting final decision. Some of those who have escaped and been indicted, may be allowed to return. They should apply individually and promise to demean themselves loyally before amnesty should be extended to them. For these reasons, he has issued proclamations calling upon these persons to submit to justice. Will on own responsibility extend amnesty in proper cases, provided Durham will concur in the immediate removal of the persons under sentence of transportation, to whom further mercy ought not to be extended.

Corr. Relating to Affairs B.N.A. 1839 p. 240

Toronto,
October 1.

Arthur to Durham. Private. *A.L.S.* Deeply regretting his resolution to retire. Consequences will be most injurious to colonies. Is hastening to Quebec to pay respects. Hopes while there to determine upon such amnesty as will meet Durham's wishes, "and prove that Your Lordship has effected in both Provinces all that could be effected consistently with the public security." p. 745

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Harvey to Durham. Private. A.L.S. Grieved at Durham's determination to return to England. Loss personal as well as that suffered by provinces. Departure may be fatal to British connection. 1838.
Fredericton,
October 2.

p. 748

Macaulay to Buller. L.S. Respecting numbering of despatches. Toronto,
October 2.

p. 753

Harvey to Major Head. A.L.S. Requesting him to represent to Governor General his satisfaction, if letter of Governor Kent of Maine to him, respecting appointment of Boundary Commissioners, were published. Fredericton,
October 3.

p. 756

Harvey to Durham. No. 11. Political. A.L.S. Enclosing copies of correspondence with Governor of Maine. Hopes his course of forbearance may be approved. He has not felt called upon to offer opposition to mere exploring parties in disputed territory, so long as nothing was done, which could be regarded as act of jurisdiction. Fredericton,
October 3.

p. 760

Enclosure: *Copy.*

Edward Kent, Governor of Maine to Harvey. Enclosing copy of Resolve of Maine Legislature approved on March 23, and stating that in accordance therewith he has appointed commissioners to examine country in disputed territory with reference to fixing a boundary. Augusta,
September 25.

p. 762

Sub-enclosures: *Copies.*

(a) Resolve of Maine Legislature, to effect that, if Bill now before Congress respecting Boundary is not passed, and if Government of United States, either alone or in conjunction with British Government, do not before September 1, appoint a commission for survey of boundary line, it shall be duty of Governor to appoint commissioners for this purpose. State of
Maine,
March 23.

p. 766

(b) Harvey to Kent. Had not expected any further action on part of Maine Government, since question of boundary is in hands of Governments of Great Britain and United States, but so long as commissioners do not go beyond instructions imparted to them by Governor, he will not offer opposition. But he cannot permit any infringement upon jurisdiction held by Great Britain in territory. Fredericton,
October 1.

p. 768

Fox to Durham. No. 4. Confidential. A.L.S. Alarming reports of activity along the American borders. Customs Collectors at Oswego and Rochester report belief in vast conspiracy embracing as many as 40,000 American citizens, who aim at invasion of Upper and Lower Canada during approaching autumn and winter. It is believed there is regular communication between their leaders and the disaffected in Canada. Though probably exaggerated, these reports cannot be entirely disregarded. Cleveland is believed to be centre of conspiracy. Great mass of Americans along border believed to favor invasion, and could not be depended upon to enforce neutrality. Washington,
October 4.

General Macomb has force of between 2,000 and 3,000 men, which is altogether inadequate for protection of frontiers. Universal belief among border Americans that Canadians are ripe for revolt. This belief sedulously cultivated by refugees, of whom one, Macleod, is most active. Urgent instructions issued by Washington authorities to civil and military officers on frontier. He has doubts as to measure of effectual succour to be rendered by American Government.

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Papers shown him in confidence by Secretary of State. The writers in fear of being compromised. Arthur informed in same sense. p. 772

Washington,
October, 4.

Fox to Durham. No. 5. *A.L.S.* Acknowledging despatch (No. 4) with the demand of the part-owners of the "Sir Robert Peel" for damages. He has transmitted it to the Government in England, as he was unwilling to present it to the Government of the United States without definite instructions to that effect. p. 790

Washington,
October 5.

Fox to Durham. Private. *A.L.S.* No desire to give unnecessary alarm. Probably if peace is preserved in Canada, conspiracy will end in nothing important. Fears mostly for Upper Canada, to which attention is mainly directed, and where disaffection is believed mostly to exist. Anxiety to learn Durham's movements. Hopes, if he goes, he will visit Washington, where President would be pleased to see him. No instructions yet received respecting settlement of Boundary dispute. If none received before President's next message, difficulties will be much increased. No war likely over boundaries unless mixed with more serious matters. Animadversion on Brougham. p. 796

Quebec,
October 8.

Durham to FitzRoy. No. 5. *Draft.* Trusting that his course on the Escheat question as indicated in his despatch to Glenelg, a copy of which is enclosed, may give pleasure to him and inhabitants of Prince Edward Island. p. 804

Quebec,
October 8.

Durham to FitzRoy. No. 6. *Copy.* Transmitting copy of correspondence between himself and Colonial Secretary on proceedings in Parliament relative to Ordinance of June 28. p. 807

Quebec,
October 8.

Durham to Campbell. No. 5. *Copy.* Enclosing copy of correspondence between himself and Colonial Secretary on proceedings in Parliament relative to Ordinance of June 28. p. 809

Quebec,
October 8.

Durham to Harvey. No. 5. *Copy.* Identical with that immediately preceding. p. 811

Quebec,
October 8.

Durham to Arthur. No. 13. *Copy.* Identical with the despatch to Campbell of same date. p. 813

Quebec,
October 9.

Durham to Arthur. No. 11. *Draft in Buller's hand, and copy.* Acknowledging despatches No. 15 and No. 20. The former relates to disposal of surplus Post Office revenues, and the imposition of an additional $2\frac{1}{2}\%$ tax on imports at Quebec; the second to the suspension of specie payments in Upper Canada. These questions are too important for him to take up on eve of his departure. The circumstance that these measures seem to require adoption of some common measures on part of Legislature or Executive Council point to necessity of some government that might regulate all matters of general concern of the Canadas and other provinces. p. 815

Quebec,
October 9.

Durham to Arthur. No. 12. *Draft in Buller's hand and copy.* Acknowledging despatches No. 19 and No. 21 respecting disposal of political prisoners. The measures indicated meet with his entire approbation. Hopes they may be carried into effect promptly. He has made preparations for co-operation, by prompt conveyance to England of prisoners to be transported. p. 824

Quebec,
October 9.

Durham to Fox. No. 5. *Draft in Buller's hand and copy.* Transmitting complaint of Mr. Christie, a British subject, that he was arrested on charge (which was without foundation) of having participated in capture of "Caroline". While aware of difficulty any free government has in preventing abuse of its laws, and particularly such

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a government as that of United States, he observes that this special^{1838.} abuse has reached great magnitude and asks Fox to represent case to United States authorities, and ask for remedial action, in order to prevent recourse to a system of absolute non-intercourse. p. 831

Arthur to Durham. Private and confidential. *A.L.S.* Suggesting that if the correspondence enclosed in his letter of October 8, is not confidential, it should be produced before the House of Assembly. This would probably be followed by addresses from both Houses expressive of feelings towards him. His own course will be, while manifesting the high confidence he reposes in Durham, and the regret he feels at his departure, to take the utmost care that there be no reflection cast upon Home Government. Suggesting that the addresses, when obtained, should reach England just before Parliament meets. p. 843

Campbell to Couper. *Unsigned but in Campbell's handwriting.* Acknowledging letter of 30 ultimo. Glad to learn of Durham's satisfaction with his deputation, and that Durham had yielded his opinion regarding the Legislative Assembly which he himself considered they would never give up. Fears that all Durham's good work will be frustrated by his early departure. Regrets the excesses of party spirit in England, and expresses opinion that they will see the injustice they have done Durham. Condemns Ministers for having abandoned him. Wishes Durham could be persuaded to remain until Spring. p. 846

Durham to Harvey. No. 6. *A.Dft. Initialed.* Acknowledging despatch (No. 11), and expressing approval of answer addressed to Governor of Maine. p. 850

Harvey to Durham. *A.L.S.* Enclosing copies of two despatches to Glenelg on Boundary question. Hopes Durham may express his opinions on question to Home Government and to Fox, who most unaccountably has ceased corresponding with him. Would undertake to bring propositions submitted in papers into amicable discussion with Maine authorities, if authorized to do so. Dangers arising from question remaining unsettled. p. 852

Enclosures:

(1) Harvey to Glenelg. No. 57. Political. *Copy.* Further suggestions as to plans for settlement of Boundary question. Impressed with insecurity of communication with Canada if St. John river were made boundary, according to award of King of Netherlands, as well as injustice to Acadians in Madawaska Settlement, he submits three modifications of line determined by the award, all involving compensation on part of Great Britain for concessions yielded by United States. p. 857

(2) Harvey to Glenelg. Separate. Confidential. *Copy.* Desirability of opening navigation of St. John river to Americans. Opposition in New Brunswick proceeds from prejudice and lack of calculation. What province requires is development, to which the inhabitants are not equal, though they are averse to having the assistance of aliens. Favors Durham's plan of throwing the Crown Lands in all the North American colonies into one fund, to be applied under one general system of management for benefit of all. In pursuance of this, would recommend that St. John river be opened to enterprise and capital of neighbors in adjoining States, under proper restrictions. The result would be an incalculable increase in value

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in lands, the New Brunswickers would be infused with greater energy, and national prejudices would gradually disappear. Has no fear that intermingling of populations would affect prejudicially loyalty of British subjects to their institutions. Suggests that agreement be made respecting the navigation for ten years. He is confident that before the expiration of the period, New Brunswickers would be grateful to statesmen who by doing "gentle violence to deep-rooted but most mistaken prejudices, shall have greatly advanced the best interests of the Province." p. 867

Quebec,
October 15.

Durham to Arthur. No. 14. *A.Dft. Initialed.* Enclosing copy of despatch from Fox respecting case of "Sir Robert Peel." p. 875

Halifax,
October 17.

Campbell to Durham. Private. *A.L.S.* Acknowledging letter of September 24 expressing satisfaction with Nova Scotia delegation, who were greatly pleased with their reception. His deep regret at resolution of Durham respecting his departure, though not surprised "considering the little support Ministers appear to have given you". p. 877

Fredericton,
October 20.

Harvey to Couper. *A.L.S.* Asking to show accompanying correspondence to Durham. He has not received from England precise instructions as to his course, in the event of Americans attempting to locate the line as claimed by them. He is unwilling to contemplate any act, which would provoke a collision, but very anxious for an adjustment of the difficulty. p. 881

Enclosures:

Fredericton,
October 16.

(1) Harvey to Fox. *Copy.* Enclosing copy of report made by a confidential agent employed to ascertain what, if any, steps were being taken by Americans towards exercising control over Disputed Territory. It would appear that they are again proceeding with road leading from Houlton to the Aroostook, which was suspended on remonstrances made in 1835. Asking his intervention with United States Government. His instructions give him no option but to oppose this proceeding. Only advanced season prevents his taking steps at once. He will do so in early summer if necessary. Consequences may be grave and therefore he asks that earnest remonstrance may be delivered, remembering withdrawal of Great Britain from proceeding with railway on representations of United States. Attention of United States should be drawn to report of great numbers of Americans going to settle on Aroostook. p. 885

Fredericton,
October 17.

(2) John Wilkinson to Harvey. *Copy.* An account of the proceedings of Americans in Aroostook district. p. 891

Fredericton,
October 17.

(3) Harvey to Glenelg. *Copy.* Confidential. Separate. Drawing attention to American proceedings. p. 895

Halifax,
October 23.

Campbell to Durham. *L.S.* Acknowledging despatch (No. 5) of October 8. p. 899

Toronto,
October 24.

Arthur to Durham. No. 23. *L.S.* Account of conditions in Upper Canada. Encloses a deposition made by an Englishman, which is confirmed by several circumstances, showing serious intentions of enemy, and existence of secret organization. Has difficulty in providing adequate protection for frontier from River Baudet to Sault Ste. Marie. Danger lies in enemy getting foothold in province, which might form gathering place for extensive forces. Has armed militia force of 5,000 men including cavalry and artillery, and enlisted part for 18 months, the remainder for shorter periods. Requests Durham to exercise influence with United States Government.

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Desertion of many regular soldiers, who are under pecuniary disadvantages as compared with militia, or civilians in Canada and United States. Suggests free rations for regulars. Impetus given to hostile measures by disallowance of Durham's ordinance respecting exile of prisoners in Lower Canada. p. 902

FitzRoy to Durham. A.L.S. Acknowledging despatches No. 5 and No. 6 of October 8. p. 918

Government House, P.E.I.,
October 26.
Fredericton,
October 30.

Harvey to Durham. A.L.S. Respecting latter's departure. Glad to say that Warden of Disputed Territory makes very different report from that of Wilkinson. Good disposition of Maine authorities towards himself personally. They declare that if settlement of boundary were left to him, it would be settled in course of winter. Offers his services as medium of communication with them. Is confident he could get assent of Maine to reasonable settlement. In event of troubles in Canada, he can send troops. He has "neutralized Maine by mere courtesy and civility". Expression of devoted attachment to Durham. p. 921

Arthur to Durham. A.L.S. Durham had scarcely left river before insurrection broke out in Lower Canada at Beauharnois. One thousand Glengarry Highlanders sent to scene. Result not yet reported. No sooner had these and 93rd Regiment left province than an assault was made from Ogdensburg by gang in steamer "United States" and 2 schooners. 400 men landed and were defeated. There are some thousands in Michigan in readiness for invasion. Has turned out militia, but they are without equipment, in spite of his warnings. Is full of confidence, however. Learns that rejection of Durham's Ordinance was received in Michigan with enthusiastic joy. It undoubtedly hastened these proceedings. p. 935

Toronto,
November 16.

Enclosure:

Arthur to Fox. Confidential. Copy. Enclosing copy of despatch from Captain Sandom. His conviction of unfriendliness of United States and of insincerity of professions of Government. Fidelity and loyalty of Canadians will secure safety of country. Will endeavour to restrain reprisals for attacks, though he believes them justifiable. War between Great Britain and United States inevitable, unless American Government can be induced not only to profess amity but to enforce it. Enclose copy of *Gazette Extraordinary* containing narrative of brigands against Prescott, and copy of deposition of gentleman who has been in Ohio and collected information confirmatory of hostile feeling of United States citizens. p. 942

Toronto,
November 15.

Sub-enclosures:

(a) Sandom to Halkett. Assistant Military Secretary. Copy. Sheriff McDonald considered prisoners taken at Prescott should be regarded as prisoners of war. Papers found upon them indicate a widely spread scheme and that attack on Prescott was only a feint. Enclosing list of papers found. p. 953

H.M.S.
"Niagara,"
November 14.

(b) Arthur to Colborne. Copy. Account of information furnished by a Mr. Kent, who has been in Cleveland. Attack may be expected at 5 or 6 different places on Lake Erie in few days. Has sent officer to General Macomb, with all information. But sceptical as to United States Government showing vigor. p. 957

October 22.

(c) Deposition of William Jones Kent. (In Section 4, p. 789). p. 957

October 22.

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Government
House, P.E.I.,
December 5.

FitzRoy to Durham. *A.L.S.* Expressing obligations of inhabitants for his recommendation of bill for taxing waste lands. Though they regard this as incomplete remedy, they are anxious that it should come into operation in meantime. Invites attention to his own personal affairs—the insufficiency of his emoluments, and want of private secretary. p. 960

Enclosure:

1839.

Government
House, P.E.I.,
January 26.

Downing
Street,
May 24.

FitzRoy to Glenelg. *Private. Copy.* Respecting his emoluments. p. 972

Glenelg to FitzRoy. No. 44. *Copy.* Cannot increase his emoluments. p. 978A.

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Fredericton,
August 7.

Harvey to Durham. *Private and confidential. A.L.S.* Expressing high admiration for the report. Clamor against it by faction described as “Family Compact” which he regards as synonymous with “Official Compact”. His difficulties with his own officials. His own acquaintance with civil business enables him to get along independently of them. Invaluable services of his council which is selected by himself, composed principally of members of the Assembly. Without this council, he could not have carried on government. Enjoys the good will of the people. Only modification he would make in recommendations of report are, “Give the Governor absolute nomination of certain principal officers of the Government, as well as of his Council, not only leaving their selection to him but let their continuance in office depend wholly upon his will, and make him responsible for carrying on the Government in a manner satisfactory to the people and through majorities of the popular branch of the Legislature”. p. 979

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SECTION 4. POLITICAL DISTURBANCES. NAVAL AND MILITARY

Sir J. W. Gordon, Quarter Master General to Durham. Most confidential. *A.L.S.* Enclosing statement of troops which will be in North America in spring of 1838. 1838.
Horse Guards,
January 25.

Enclosure:

Statement mentioned. p. 0

Wm. Denman to John Teed, Quebec. *Copy of intercepted letter.* Office of the
Desirous of assisting Canadians to secure independence. Advises Truth Teller,
them to go slowly. Will keep embers alive. Names of some sub- New York,
scribers in Quebec. February 5.

Memo. of means of fitting out Field Batteries of four guns each from existing stores in Canada. Signed A. Dickson, D.A.Genl. Woolwich,
February 9.

G. A. Wetherall, Royal Regiment, to Colonel de Rouville. *Copy.* Montreal,
Noticing a letter in *Montreal Herald* of 8 instant, reflecting upon de Rouville, he certifies to his good conduct and good will, in connection with affair at St. Charles. February 14.

Lord Hill to Durham. *A.L.S.* As requested, has given directions that certain officers, whom he names, may serve on Durham's staff in Canada. Horse Guards,
March 13.

Troops for North America. p. 11

Hill to Durham. *A.L.S.* Respecting Lt. Col. Hope, who had sought leave of absence. The purpose was that he might attend on his wife who was ill. Does not believe Hope will give attention to political matters. p. 14
March 28.

Sir Charles Paget to Durham. Private. *A.L.S. In duplicate.* Bermuda,
Congratulations on appointment. Account of his own immediate movements. April 30.

Captain de Rottenburg to Colonel Cathcart. *A.L.S.* On arrival placed himself in communication with magistrates, de Rouville and L'Esperance. No cases of complaint reported to him. Country apparently quite tranquil, though probably considerable disaffection still exists. St. Charles,
May 1.

Cathcart to Assistant Quarter Master General, Montreal. *A.L.S.* St. Hyacinthe,
Has conversed with many of all classes, some loyal, some disaffected. May 3.
Executions in Upper Canada arousing apprehensions of harsh treatment. His own appointment greeted with pleasure, as evidence of goodwill on part of Colborne. The people are increasing in confidence. He tells them he is not concerned with past conduct of any person, but to learn as to extent of present loyalty. With this understanding, many have spoken to him freely, justifying their disaffection by blaming their leaders. There are still some of doubtful loyalty, but he is pleased with general spirit. Recommends the residence at station of officer speaking French, and qualified for duty of "surveillance". Asks how he should deal with applications for passes to United States, and for fowling pieces. Recommends latter be granted in certain cases. p. 31

Report and sketch of 5½ miles of route from St. Césaire on road to Chambly, by Major F. A. Mackenzie Fraser. *A.L.S.* St. Césaire,
May 4.

Lieut. Colonel Gascoigne to Cathcart. *A.L.S.* Arrived at this place April 24. Learns from magistrates that country round St. Denis is tranquil, and people convinced of folly of rebellion. St. Denis,
May 4.

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St. Hyacinthe,
May 10. Cathcart to Assistant Quarter Master General. *A.L.S.* Recent release of political prisoners cause of rejoicing, but of restrained character, evincing recognition of seriousness of their wrong doing. p. 47
- St. Hyacinthe,
May 17. Cathcart to Deputy Quarter Master General. *A.L.S.* General tranquillity and good disposition on part of inhabitants. Some troublesome characters hanging about frontier. Encloses report from Major Fraser. p. 51
- St. Césaire,
May 13. Enclosure:
Major F. A. Mackenzie Fraser to Cathcart. *A.L.S.* Tranquillity re-established; and inhabitants generally well disposed. Ignorance rampant—only 14 scholars in community of 3000. Schools wanted. p. 58
- St. Hyacinthe,
May 21. Cathcart to Colonel Gore, Deputy Quarter Master General, Quebec. *A.L.S.* On subject of proposal made by Mr. D. G. Morison to summon public meeting in order to adopt address to Durham. Morison's close relationship with Papineau, Dessaulles and De Bartzch. p. 64
- Enclosures:
(1) Morison to Cathcart. *A.L.S.* Enclosing proposed address (in French) to Durham, and stating it would probably be necessary to assemble a meeting to obtain signatures. p. 72
- St. Hyacinthe,
May 20. (2) Cathcart to Morison. *A.L.S.* Discouraging idea of meeting under existing circumstances. Likely to revive excitement. p. 74
- St. Denis,
May 21. Gascoigne to Deputy Quarter Master General. *A.L.S.* Respecting accommodation for cavalry at St. Denis and St. Charles. p. 78
- Amherstburg,
May 21. Col. Reid to Col. Maitland. *Copy.* Much excitement on American side in regard to prisoners taken on Pélée Island. Rescue may be attempted, for which there are many opportunities. Recommends prisoners being removed to some place farther in interior. Violent treatment of Captain Hill and other officers, who had gone to Detroit to make enquiries. p. 85
- Woodstock,
Vermont,
May 26. T. S. Brown to Durham. *A.L.S.* Twelve pages devoted to defence of rebellion. Urges release of all prisoners. p. 92
- Oswego,
May 26. Captain Whitney of steamer "Great Britain" to William Manally. *Extract, six copies.* Reports hearing that it is intended to destroy locks of Rideau canal, and that arms are being taken into Jones Creek. p. 105
- Prescott,
May 29. Major Plomer Young to Major Hall, Assistant Quarter Master General at Montreal. *A.L.S. and four copies.* Reporting meeting of seditious characters at French Creek. p. 122
- H.M.S.
"Hastings,"
Quebec,
May 29. Durham to Paget. *Copy unsigned.* Urging his presence at Quebec. "It is of the highest importance to the success of my mission, that as great a naval demonstration as possible should be made in the waters of the St. Lawrence and on the Northern Coast of America". p. 144
- Kingston,
May 30. Colonel Dundas to Captain Goldie, Military Secretary. *Four copies.* Reporting capture of the "Sir Robert Peel" at Wells Island about 3 miles below French Creek. p. 148
- Kingston,
May 30. Dundas to Goldie. *Four copies.* Passengers from "Sir Robert Peel" carried to Kingston by American steamer "Oneida"; also, intelligence of burning of "Sir Robert Peel". Johnson and McLeod stated to be leaders of attack. It would seem they meditated attack on Brockville. Movement of troops in consequence. p. 162

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Petition from Magistrates of Brockville enclosing deposition of Captain Armstrong, master of the "Sir Robert Peel", and requesting that a military force, adequate to prevent further acts of aggression, be stationed there. (*Written by James Morris*). p. 178

Enclosure:

Deposition of Captain Armstrong, containing particulars of the capture of his vessel. D.S. p. 181

Arthur to Colborne. *Copy*. Intelligence of attempts to invade Upper Canada. He relying on United States taking preventive measures, has been relieving volunteers, but has ceased to do so. Danger to steamer "Great Britain". Enclosing depositions respecting capture of the "Sir Robert Peel". p. 185

Enclosure:

Deposition of Lieut. John S. McDonell, a passenger on the "Sir Robert Peel", confirmed by Robert Bullock, also a passenger. *Copy*. p. 193

Proclamation of Arthur, setting forth circumstances of destruction of the "Sir Robert Peel", and calling upon citizens to preserve peace. *In print*. p. 199

Analytical Statement of persons who have been under detention in connection with political disturbances until the beginning of 1838. *In French*. p. 200

Rowan, M.S. to Durham. Memorandum on proposed distribution of troops in Upper and Lower Canada. Q. 246 p. 88.

James Mathew to Durham. *A.L.S.* After visiting principal centres of population in United States as well as the frontiers, he gives results of his observations. Hope is indulged that Durham's presence will create better feeling. Respectable classes, whom he identifies generally with Whigs mortified by proceedings on borders. Chief difficulty is weakness of Executive Government. People of United States are vain, but possess qualities of greatness, and can be conciliated by confidence and respect. p. 201

Colborne to Durham. *Private*. *A.L.S.* About 30 pirates landed on Isle of Tonti and on adjacent shores and plundered inhabitants. Arthur also sends him information he has received of intended raids. Thinks much of this is mere rumour circulated by interested parties. Is taking precautions, nevertheless. p. 207

Proclamation of Governor Marcy, offering rewards for the arrest of several persons charged with the destruction of the "Sir Robert Peel." *In print*. p. 211

Colborne to Durham. *Private*. *A.L.S.* Finds late outrage confined to Johnson and his associates. United States authorities showing much activity in pursuit of marauders. A good deal of alarm without cause. p. 212

H. Heney to Buller. *A.L.S.* *In French*. Advice respecting prisoners. Those charged with murder should be tried. Is convinced that with sufficient proof, French Canadian juries would convict them. He will not suppose the possibility of anything else. Prisoners named in proclamation should be tried at once, that is, the most culpable. No pardon or amnesty should be extended before conviction. A general amnesty before trial could do nothing but harm. An advantage from trials would be publicity given to plans of rebels; also, would indicate those to whom persons injured by the course of the rebellion might look for indemnity. As for the crowd, after the

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leaders had been dealt with, they might be sent to their homes after having given security for good behaviour. Of the leaders, a few should be executed, others transported. The return of Papineau would be productive of worst results. Will be glad to give his views on public affairs.

p. 217

New York,
June 7.

T. H. to Weir Jr. Herald Office. *A.L.S.* Imparting substance of conversation he had with Mackenzie and O'Callaghan on burning of the "Sir Robert Peel." Both admitted it was one of many schemes to embroil Great Britain with United States. Hints given of blowing up of Welland Canal. Much evidence of widely spread organization to cause trouble in Canada. Mackenzie's extravagant manifestations of joy on hearing of destruction of the "Sir Robert Peel." Scanlan connected with this event, an auctioneer in Kingston and Wells, a former student in M. S. Bidwell's office. Stories of Papineau's movements. David Thorburn, Postmaster at Queenston, should be dismissed as an agent of Mackenzie. Necessity for special watchfulness of shores opposite French Creek.

p. 221

Quebec,
June 2.

Proclamation of Durham, offering a reward of £1,000 for conviction of persons concerned in destruction of the "Sir Robert Peel"; and stating measures to be taken for defence of frontier. *In print. Upper Canada Gazette* June 8.

p. 225

Fort George,
June 7.

Proclamation signed by James Morreau of State of Upper Canada. *Copy.*

p. 227

Kingston,
June 8.

Colborne to Durham. *L.S.* Replying to letter of June 4. Impossibility of protecting extensive lake front from incursions without American co-operation. Suggesting how Captain Sandom could render effective service. Discounts alarmist rumours, but is taking precautions. Encloses depositions respecting outrages committed on Isle of Tonti.

p. 230

Enclosures:

Kingston,
June 7.

Depositions of John Spring, William Patterson and David Tait respecting Isle of Tonti.

p. 234

"Medea",
(June 8).
Quebec,
June 11.

Paget to Durham. *A.L.S.* Personal.

p. 240

Sandom to Durham. *A.L.S.* Had prepared, on Colborne's suggestion, two small vessels to act on Lake Erie or elsewhere as required. Excitement caused by destruction of the "Sir Robert Peel" induced him to hasten preparations and to charter two schooners. On representations from Kingston that pirates would occupy Ducks Island, and from there attack shores near Bath, went to Ducks Island, and made tour along shore as far east as Gananoque. Timber on this island, which is British, being cut down and carried to United States. Islands thereabouts would afford shelter to lawless bands operating against Canadian shores. They should be under surveillance of naval authorities at Kingston. If Durham approves, would arrange to procure steam-vessel for Lake Erie and place armed vessel and boats in British channel among Thousand Islands, men required to equip and officer these vessels.

p. 243

Quebec,
June 12.

Sandom to Durham. *A.L.S.* Stating, in reply to question, the measures to prevent recurrence of outrages similar to that on the "Sir Robert Peel".

p. 249

Montreal,
June 10.

M. O'Sullivan, Solicitor General, to Turton. *A.L.S.* Enclosing a copy of a document found among the papers of the late Amury Girod. (The enclosure was evidently the Journal printed in full on page 370 of this report.

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T. A. Young to Durham. *A.L.S.* Enclosing a memorandum as to distribution of Mackenzie's papers in Quebec. p. 253

T. J. Sutherland to Durham. *A.L.S.* Plea for pardon for himself and 9 others who were citizens of United States, based on fact, that they were encouraged to take up cause of Canadians by more responsible persons in United States, who enjoy their liberty; that many equally implicated have been set at liberty; and that since their detention their conduct has been uniformly good. p. 259

Colonel C. Taylor to Gore, Deputy Quarter Master General. *A.L.S.* Evidence of disaffection at St. Athanase. Trouble with militia at St John's, owing to lack of confidence of officers of one of the regiments in their colonel. p. 262

Paget to Captains of "Hercules" and "Hastings". *A.L.S.* Giving their men permission to enlist for service in the protection of the lake frontiers. p. 268

Paget to Durham. *A.L.S.* Thanks for some hints, which correspond with directions he had given to Captains Loch and Nicolas. Gratification that greater number has volunteered than required. p. 271

Commission of Oyer and Terminer for the District of Montreal. *On parchment bearing Durham's signature.* p. 274A

Commission appointing A. M. Delisle clerk of the Court of Oyer and Terminer for the District of Montreal. *On parchment bearing Durham's signature.* p. 274B

Writ to the Sheriff of the District of Montreal, commanding him to obey the precept of Oyer and Terminer. *Bears Durham's signature.* p. 274C

Paget to Durham. *A.L.S.* "Medea" and "Dee" engaged. "Charybdis" at his service. p. 275

C. R. Ogden, Attorney General to Buller. *A.L.S.* Opinion on question submitted, as to legality of power claimed by Royal Navy to take sailors out of jails for service in navy. p. 279

Rev. J. Roaf to Durham. *A.L.S.* A strong plea for mercy to political prisoners, based on the violence of the Government party, the expressions as to the small degree of culpability attaching to rebellion in Canada in the Report of the House of Commons' Committee of 1828, the terms of Head's Proclamation, and the general good character of the prisoners and their conduct since their arrest. p. 283

Colborne to Durham. *L.S.* Enclosing copy of General Order notifying to troops the promulgation of the Annual Mutiny Act. p. 291

Enclosure:

General Order. p. 292

Paget to Durham. *A.L.S.* Personal. p. 294

List of persons imprisoned in the new prison at Montreal under charge of high treason. *In French.* p. 297

General Sir James Macdonell to Couper. *A.L.S.* Enclosing report from Surgeon of Coldstream Regiment. p. 303

Enclosure:

F. Gilder, Battalion Surgeon to General Sir James Macdonell. *A.L.S.* Giving notice that, by the General's order, he had removed William Partridge, a prisoner, to hospital, and has no hope of his recovery. p. 305

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1838. Paget to Durham. *A.L.S.* Advising him to engage either the
 "Cornwallis", "Great Britain" or "John Bull" for his trip to Montreal. p. 306
 June 21. R. de St. Ours, Sheriff to Buller. *A.L.S.* Efforts, until then
 June 23. unsuccessful, to recapture L'Hussier, an escaped prisoner. p. 310
 Toronto, Proclamation by Arthur, in consequence of Short Hills raid. p. 312A
 June 22.
- "Cornwallis", Paget to Durham. *A.L.S.* Colonel Grey's mission to Washing-
 (June) 23. ton having proved so successful, he purposes sending "Hercules"
 and "Pique" to England. Hopes "Pique" may be returned. p. 313
 Drummond- Proclamation by Arthur offering reward of £500 for arrest and
 ville, conviction of James Morreau, leader of the raid at Short Hills. p. 316
 June 23.
- "Cornwallis", Paget to Durham. *A.L.S.* Respecting the departure of the
 (June) 26. "Hercules" and the "Pique". p. 317
- Sheriff's Office, R. de St. Ours, Sheriff to Buller. *A.L.S.* Pursuit of L'Hussier so
 Montreal, far unsuccessful. Is continuing at St. Denis where L'Hussier's rela-
 June 25. tives reside. p. 320
- Montreal, P. E. Leclerc, J. P. to Buller. *A.L.S.* In French. Enclosing
 June 26. the results of his enquiry into the escape of L'Hussier. p. 322
 Enclosures:
 Montreal, Six affidavits. p. 324
 June 24.
- Toronto, John B. Robinson to Lieutenant Governor. *Copy.* Combatting
 June 28. opinion of Law Officers in England that Americans coming into
 country with an invading army owed allegiance to British Crown,
 and might be indicted as traitors. "I can scarcely believe that they
 can have meant to deliver it as their opinion that the very act of
 hostile invasion by American citizens was in itself high treason.....
 that they could be accused of violating upon this occasion an
 allegiance which they did not owe". p. 342
- St. Gabriel St., F. Griffin to B. Holmes, Cashier of Bank of Montreal. Giving
 June 29. account of trial and acquittal of Anderson, charged with participating
 in burning of the "Sir Robert Peel". The packet of bank notes will
 be restored. State of feeling in district about Watertown—better
 classes friendly to Great Britain, masses—the "bone and sinew"—
 distinctly hostile. Preparations for attack on Canada. p. 356
- Toronto, C.A. Hagerman, Attorney General and W.H. Draper, Solicitor
 June 29. General to Macaulay. *Copy.* Being required to consider opinion
 of Law Officers in England, they declare their adherence to the opinion
 they have already given that "aliens who have never resided in
 Province, and who owe no local or temporary allegiance to Her
 Majesty, and who invaded this Province in hostile array, for the
 purpose of levying war upon Her Majesty are not liable to be treated
 as traitors". p. 359
- Toronto, Deposition of James Barnett. *Copy.* Information obtained in
 June 29. Cleveland where he resided as to an impending attack by "Patriots"
 on Western Frontier of Upper Canada. p. 365
- Quebec, Major Arthur W. Torrens to ———. *A.L.S.* Enclosing a
 June 29. letter from Adjutant Lindsay, describing an attempt to escape from
 jail. p. 372
- Enclosure:
 June 28. Adjutant Lindsay to Torrens. *A.L.S.* Letter mentioned. p. 374
- Amherstburg, Captain H. Reid to General Brady. *Copy.* In reply to letter
 June 30. of June 29. Thanks for information of intended movements of
 marauders, and regrets for any violation of sovereignty of United

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States by British subjects. Excuses the latter as due to extreme provocation. 1838.
p. 379

Wm. Rowan to Couper. A.L.S. On subject of Lieut. Col. Military Secretary's Office, Quebec, June 30.
Gugy's claim to promotion. p. 383

(1) Rowan to Gugy. *Copy*. Thanks for his services in Quarter Master General's Department. It was His Excellency's intention to appoint him permanently in Adjutant General's Department had opportunity offered. Castle of St. Lewis, May 23.
p. 385

(2) Gugy to Rowan. *Copy*. Acknowledging foregoing. Statement of claim to attention of military authorities. Darnoc, May 27.
p. 389

Deposition of Ensign Thaddeus Patrick, containing information that large number of Patriots were to be found all along American shore of Lake Erie, that they were assembling at Fort Gratiot, with intention of invading Canada about July 3. Dr. Duncombe addressed large assemblage at Cleveland on invasion of Canada. Feeling in and about Cleveland favored Patriots. There was an opposite feeling among respectable people in Buffalo. *Copy*. Toronto, June 30.
p. 396

Paget to Durham. Private. A.L.S. His inability to fix on distinguishing flag for the Governor General. Suggests that until his return he wear the Union. "Cornwallis", (Undated, probably June).
p. 400

Memorandum, unsigned, to effect that gentleman residing at Gananoque had interview with Governor Marcy of New York, in which latter spoke of hostility of Americans to Great Britain, his own inability to prevent frontier raids, and inevitability of war between Great Britain and United States. Undated.
p. 403

Minute of Executive Council. Signed by John Beikie, Clerk, Executive Council. Consideration of letters from Colonel Maitland and others respecting advance of Americans and rebels on London. Recommend embodiment of at least 4 regiments of militia to assist regulars, and the adoption of the most energetic measures for suppression of disaffection. Deplore lack of arms among loyal. Suggest declaring province under Martial Law for a time. Government House, Toronto, July 1.
p. 405

Enclosure:

Maitland to *Copy*. Enclosing letters from Lieut. Grogan and others, reporting that rebels are joining Americans who are advancing from frontier and that 1500 men are marching with London as objective. London, U.C., June 30.
p. 412

Sub-enclosures:

(a) Grogan to Maitland. *Copy*. People there all leaving for London in alarm. At Chatham they are almost decided to yield without blow. Alex. Ward's Tavern.
p. 416

(b) Lieut. Alex. D. Ward to Maitland. *Copy*. Much disaffection in neighbourhood. Could collect from 1200 to 1400 rebels within 35 or 40 miles. Mosca, June 29.
p. 418

(c) Lieut. Forsyth to Maitland. *Copy*. Is informed by persons who saw them that there were about 1600 rebels ready to join main body. Delaware, 11 o'clock.
p. 419

(d) Duncan McGregor, J.P., W.D. to Maitland. *Copy*. Forwarding two letters from Wallaceburg containing information as to movements of rebels. Chatham, June 28.
p. 420

(e) Hugh McCallum to McGregor. *Copy*. Radicals have landed at Nugent's Inn, River St. Clair, and hoisted liberty pole. Wallaceburg, June 27.
p. 421

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1838.
Dawn Mills.
Evening 27th.
Chatham,
June 29,
5 a.m.
"Cornwallis",
(July) 1.
Niagara,
July 1.
- (f) Captain Hector McDougald to McGregor. *Copy.* Same information as foregoing. Militia being assembled. p. 422
- (g) McGregor to Maitland. *Copy.* Same information-300 well-armed men landed, 400 expected. Plenty of good men available to meet attack of 3,000, but are without arms. General terror. p. 425
- Paget to Durham. *A.L.S.* Personal. p. 429
- Deposition of Hubert James. *Copy.* Respecting activities of rebels at Lockport, and expected attack. Indifference of authorities at that point. p. 432
- Headquarters.
Military
Department,
Detroit,
July 2.
- Brady to Reid. *Copy.* Replying to letter of June 30. Defending United States authorities from charges of dereliction of duty, in matter of invasion of Canadian territory. p. 437
- London, U.C.,
July 2.
- Maitland to Colonel Foster. *Copy.* Enclosing copies of a number of letters received by him, bearing on excitement and alarm in London District. p. 444
- Enclosures:
- Camden West.
June 29.
- (1) John Bell to Maitland. *Copy.* Went to Bear Creek. Found rebels who had crossed from United States re-crossed on approach of Moore militia. Indians on look-out for stragglers. p. 445
- Headquarters.
Military
Department,
Detroit,
June 29.
- (2) General Brady to Captain Reid. *Copy.* Giving information as to rumoured attacks. Protesting against Canadian militia invading United States. p. 447
- Dawn Mills,
June 29.
- (3) James Smith to John White, P.M. *Copy.* Account of skirmish at house of a Mr. Link. Object of rebels declared to be to overrun London District. Lack of arms among loyal. p. 450
- Wandeeck.
July 1.
- (4) Lieut. E.O. Broadley to Maitland. *Copy.* Learns that number of rebels that effected landing below Port Sarnia did not exceed 60, 45 of whom are supposed to be in woods. Indians sent in search not permitted to follow them. Inhabitants of Port Sarnia loyal and zealous, but sadly in want of arms. Proposes sending company to protect place. p. 454
- Adelaide.
- (5) Broadley to Kelly. *Copy.* Has all information that can be got. p. 457
- Bear Creek,
July 1.
- (6) C. Beer, R.N., J.P. and others to (Maitland?). *Copy.* Informed that body of invaders near Taylor's Mills, causing great uneasiness, from want of arms. If 100 stand were sent there, people could look after themselves. p. 459
- Detroit,
June 29.
- (7) W. S. Whiting to Macaulay. *Private.* *A.L.S.* Information as to invasion at two points on river St. Clair. Indignant enquiry as to want of arms. p. 461
- Toronto,
July 2.
- Colonel Foster to Maitland. *Copy.* As news from him less unfavourable, Arthur will not go further west than Hamilton. He is satisfied that the forces under Maitland's command, regular and militia, quite equal to repelling invasion. Will not, therefore, send Gore militia, as they are required elsewhere. Necessity of promptness in attacking rebels. p. 465
- Sandwich,
July 2.
- John Prince and other magistrates to Colonel Elliott. *A.L.S.* Requisition for 250 men to defend Sandwich. p. 468
- Drummond-
ville,
July 3.
- Colonel H. D. Townshend to Halkett. *Copy.* Fruitless efforts to retain discharged men for short time. Has called on militia to

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strengthen frontier between Chippewa and Fort Erie. Cannot meet request to detach men from Port Dover. News of impending attacks.

p. 470

John Prince to Macaulay. *Copy.* Acknowledging letter with copy of Attorney General's opinion respecting prisoners taken at Point Pélée Island. Outrages still continue. Has issued a proclamation. Sends copy. Information received of large force to attack Sandwich that night. Some volunteers, but no rations or arms. Some prisoners coming in, and committed to jail. Think they should be tried under Court-Martial Law.

Sandwich,
July 3.

p. 474

Enclosure:

Proclamation signed by Prince and nine other magistrates, forbidding intercourse between the Canadian and United States shores.

Sandwich,
July 2.

In print.

p. 477A

Paget to Durham. *A.L.S.* Preparations for departure of "Vestal" with prisoners for Bermuda.

"Cornwallis",
5 p.m.,
(July 3?).

p. 478

Colborne to Durham. *Private.* *A.L.S.* Is going to Kingston and will report as to expediency of Durham's whole party proceeding to Upper Canada.

Montreal,
July 4.

p. 482

Colborne to Durham. *A.L.S.* Rumoured activities of Patriots has thrown whole province into state of alarm. He is going to Niagara with 43rd Regiment to be ready for eventualities. Durham may go safely to Kingston with Lady Durham. Details of journey. Arthur should receive Durham at Niagara instead of Kingston, on account of alarms in western parts of Upper Canada. Justice Maclean will wait on Durham at Kingston.

Kingston,
July 6.

p. 485

Statement of Major Fraser as to character of several of his men who had been arrested. *A.L.S.*

Brockville,
July 6.

p. 492

Colborne to Durham. *A.L.S.* Everything perfectly quiet there.

Niagara Falls,
July 8.

p. 494

Macaulay to Prince. *Copy.* Acknowledging letter of 3rd. Conveys Lieutenant Governor's approval of zeal. Measures being taken to bring prisoners to summary justice, as well as to secure those who have escaped to United States. These and other measures make it unnecessary to carry proclamation into operation. Every step should be taken by magistrates to secure marauders who are at large. Should it become necessary to check intercourse with United States, Lieutenant Governor will take proper action. This is beyond powers of magistrates.

Toronto,
July 9.

p. 497

Francis E. Loch to Durham. *A.L.S.* Account of voyage home.

H.M.S.
"Hastings",
Spithead,
July 10.

p. 502

Prince to Durham. *A.L.S.* Asks for earliest information as to declaration of war by Great Britain against United States. Is convinced war must come. Importance of getting information before Americans. The anxieties and miseries the people in Upper Canada are enduring.

Sandwich,
July 13.

p. 506

Prince to Durham. *A.L.S.* Enclosing resolutions of Upper Canada Assembly on breach of neutrality and aggression on part of citizens of United States, and adding comments upon situation.

Sandwich,
July 14.

p. 509

Campbell to Durham. *L.S.* 73rd Regiment has embarked on "Malabar" which will sail next day for Quebec.

Government
House,
Halifax,
July 18.

p. 510

State of troops in Upper Canada, under command of Arthur. *Signed by Arthur.*

Toronto,
July 18.

p. 512

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1838.
The Falls,
July 20. Paget to Durham. *A.L.S.* Personal. Has sent Sandom to Kingston and to look about Thousand Islands, while Durham was passing that way. p. 513
- July 23. J. Bell Forsyth to ———. *A.L.S.* Offering own evidence, and suggesting others, who could give valuable information. p. 517
- The Falls,
July 24. Paget to Durham. *A.L.S.* Went to Niagara to see Morreau and other culprits. Insecure condition of jail. Three companies of 24th at Niagara. Colonel Booth taking steps to secure prisoners against escape. p. 519
- Buffalo,
July 25. Laura, (Mrs. T. J.) Sutherland. *A.L.S.* Enclosing pamphlet containing account of trial and defence of her husband. p. 523
- St. Albans, Vt.,
July 26. General Macomb to Colborne. *A.L.S.* States better feeling exists on frontier towards Canadian affairs. Personal and complimentary. p. 525.
- Montreal,
July 28. R. de St. Ours to Durham. *A.L.S.* In French. Asking to be informed as to decision reached upon his statement respecting the escape of L'Hussier. p. 529
- H.M.S.
"Niagara",
Kingston,
July 30. Captain Williams Sandom to Paget. *Copy.* Efforts to recover some prisoners escaped from Kingston prison rendered futile by admonition from General Macomb of United States army against entering United States territory. p. 534
- No date Colonel Taylor to General Clitherow. *Extract.* Apprehensions of attack on British authority in North America at no very distant date. Account of what comes to his ears of conspiracies spreading out from St. Albans. p. 537
- "Cornwallis",
Quebec,
August 2. Paget to Durham. *A.L.S.* Reporting refusal of officers of Ordnance Department at Kingston to vacate a large storehouse belonging to Naval Department, which is required for accommodation of naval officers and men during winter. p. 541
- Enclosures:
(1) Sandom to Paget. *Copy.* Reporting the foregoing. p. 545
- (2) Lieut. Col. Bonnycastle to Sandom. *Copy.* Declining to take steps in direction requested, until Durham's pleasure is known. p. 549
- Eden to Couper. *A.L.S.* Respecting foregoing. Officers desire to receive authority before removing from building. p. 551
- H.M.S.
"Niagara",
Kingston,
July 27. Paget to Durham. *A.L.S.* Sending report just received from Sandom. Owing to restrictions imposed by Americans, fears any co-operation between forces of two governments out of question. p. 553
- Office of
Ordnance,
Kingston,
July 25. State of 73rd Regiment. p. 555
- Deputy
Adjutant
General's
Office, Sorel,
August 4. Mrs. T. J. Sutherland to Durham. *A.L.S.* Enclosing second copy of pamphlet. p. 556
- "Cornwallis",
August 4. Colborne to Durham. *Private. A.L.S.* Returned from Montreal the day before. Enquiries made by him as to state of feeling in Upper Canada are reassuring. Sandom directed to have gun-boat and 2 pinnaces stationed at Sandwich. He received many courtesies from authorities of Detroit. Enclosed letter from Macomb indicates subsidence of excitement on American side. Transmitting letter from Mr. Moffatt on subject of union of provinces. p. 559
- "Malabar",
August 6.
Buffalo,
August 8.
Sorel,
August 10.

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(No enclosure.)

1838.

Colborne to Durham. *A.L.S.* Enclosing copy of letter addressed by him to General Commanding in Chief. Best spirit prevails in townships on river St. Clair which he visited. Few instances of disaffection have appeared in that section. Inclines to belief that information obtained by local government as to encouragement held out to American gangs on United States frontier cannot be relied upon. p. 563

Sorel,
August 10.

Enclosure:

Colborne to Lord Hill. *Copy.* Account of inspection. Same information as to Durham as to loyalty of inhabitants. Much alarm excited which will take time to allay. p. 568

Headquarters,
Amherstburg,
July 30.

Paget to Durham. *Private.* *A.L.S.* Tranquillity being completely restored, and Sandom having been provided with means required to establish commanding position on lakes, he proposes to turn attention to other parts of his command. Expressions of gratitude for Durham's unvarying goodwill. His arrangements. p. 574

Quebec,
August 11.

General Orders of Major General Macomb, Commander-in-Chief. *In print.* p. 579

Headquarters,
Buffalo,
August 11.

Colborne to Durham. *A.L.S.* Expressing hope Durham may remain with him on Sunday. p. 580

Sorel,
August 14.

Buller to Durham. *L.S.* Giving the result of his enquiries into arrest of Mr. Davidson at Fort Covington. British Government cannot interfere at present stage, as the action taken against Davidson is a private one, of which United States Government cannot take cognizance. When United States Courts decide that British Government has no authority to sanction acts done on British territory, it will then be proper to interfere. He has assured Davidson that, should it appear that the proceedings are taken on ground of actions done legally as a British subject, the Government will fully indemnify him. The proceeding is a singular perversion of the civil law. p. 582

Castle of
St. Lewis,
Quebec,
August 14.

J. E. Dow to Durham. *A.L.S.* Plea for mercy for Miller and youthful companions. p. 586

Washington,
August 15.

Colborne to Durham. *A.L.S.* Respecting the salute to the Governor General. p. 590

Sorel,
August 16.

Colborne to Arthur. *Copy.* Recommends reduction of every description of military force. Proposed disposition of those remaining embodied. Settlers in Western Townships so willing and able to defend themselves, they might be allowed arms. Protection of locks on Rideau canal. Meritorious claims of Col. Kingsmill and Col. Hill. Q. 247 p. 101

Headquarters,
Sorel,
August 16.

Directions given by Sir Charles Paget to Captain Harvey of the "Malabar" respecting the disposition of that portion of navy which he is leaving at Quebec, after his own departure. *Copy.* p. 594

"Inconstant",
Quebec,
August 18.

List of persons who dined at Jacques' Tavern on August 15, 1838. p. 601

Quebec,
August 18.

Mrs. Maria Wait to Couper. *A.L.S.* Stating that she and Miss Chandler had waited on Arthur at Coteau du Lac, and presented letter given them by Couper, but that Arthur could give no assurance that Wait and Chandler would be reprieved. p. 603

Cornwall,
August 19.

Durham to Paget. *A.Df.-Initialed.* Enclosing copy of despatch he is sending to Glenelg on occasion of Paget's departure. p. 605

Castle of
St. Lewis,
August 24.

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1838. Enclosure:
 August 15. Durham to Glenelg. No. 43. See Sec. 2, vol. 1, p. 313.
 Sorel, Colborne to Durham. Private. *A.L.S.* Thanks for copies of
 August 24. despatches. His remarks sent to Couper. p. 607
 Sorel, Colborne to Durham. *A.L.S.* Enclosing copy of letter from
 August 25. Clitherow with his reply. p. 610
- Enclosures:
 Montreal, (1) Gen. Clitherow to Colborne. *Copy.* Stating circumstances
 August 24. under which he despatched a detachment to strengthen the force at
 Isle aux Noix. General belief among English on frontiers that some
 sudden rising is contemplated. Many meetings of Canadian refugees
 being held at Champlain. They visit Côté and Gagnon. p. 614
- Montreal, (2) Wm. Dickson to Colborne. *Copy.* Enclosing letter ad-
 Friday. dressed to him by Clitherow containing account of attack about to be
 made on Isle aux Noix. Information he receives as to agitation
 among British Canadians in prospect of general rising among French
 Canadians. Preparations he is making. p. 619
- St. Johns, (3) Lieut. Col. Taylor to General Clitherow. *A.L.S.* Dangerous
 August 19. condition of his district. Loyal inhabitants in dread of murderous
 rising of disaffected. Urgent need for reinforcements. p. 622
- Sorel, (4) Colborne to Clitherow. *Copy.* Approval of his action,
 August 25. though he himself is one of the incredulous, and attaches little
 importance to Taylor's report. p. 627
- Headquarters, Sir C. Campbell to Durham. *L.S.* Transmitting Return of
 Halifax, troops in Nova Scotia and dependencies. p. 631
 August. Enclosure:
 Return. p. 632
- Halifax, Rowan, M.S. to Colonel Couper. *Copy.* Stating that nearly all
 August 1. of paid volunteers in Lower Canada disbanded in June and July.
 Military One company each of infantry and cavalry still embodied, and engaged
 Secretary's in protection of frontier. Orders issued to volunteers to turn in
 Office, arms. Sedentary volunteers of Montreal and certain corps in Eastern
 Quebec, Townships allowed to retain theirs. Arms and powder in Sherbrooke
 August 27. jail, which sheriff desires removed. Depot desired at Sherbrooke which
 Colborne may authorize. Encloses letter of Colborne respecting
 volunteers in Upper Canada. Q. 247 p. 98
- St. Johns, Deposition of G. D. Potter of Clarenceville, as to information
 August 29. received by him on steamer "Burlington", indicating plans for general
 rising in Richelieu district. *Copy.* p. 635
- Montreal, Clitherow to (Couper?). *A.L.S.* Enclosing statement, which
 August 30. was forwarded to him; also, letter from Forsyth, United States
 Secretary of State. p. 637
- Enclosures:
 (1) Statement not here.
 (2) Forsyth to Clitherow. *L.S.* Measures taken to prevent
 trouble on frontier. p. 640
- Ballston Spa, C. R. Ogden to (Couper?). *A.L.S.* True bills obtained against
 August 24. Jalbert, Maillet, Pratte and Louis Lussier for murder of Weir; no
 bill against Mignault and J. B. Lussier. Also, true bills against
 Montreal, Nicolas, Daunais, two Puisseuneault, Garant and Beaulieu for murder
 August 31. of Chartrand; and no bill against Bercassé—first four in jail, Garant
 and Beaulieu in United States. Trial of Jalbert on Tuesday; foresees
 his acquittal from manner of witnesses. Murderers of Chartrand
 to be tried on Thursday. p. 643

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Captain Edward Harvey to Buller. *L.S.* Respecting opinion of Attorney General as to seamen in jail, who have volunteered for navy. As opinion does not appear to oppose his application for the liberation of seamen, he makes formal application in that sense. 1838. "Malabar", Quebec, September 3.

p. 647

(C. R. Ogden to Buller). *Fragment in Ogden's hand.* Reporting the absence of material witnesses for trial of Jalbert, and postponement of case until next term. He has no doubt witnesses were "spirited" away. Montreal, September 4.

p. 649

Buller to Harvey, R. N. *Copy, with draft corrected by Buller.* Discussion of Act of William IV. 1835, respecting Seamen. The only authority that could release seamen from prison to enter the navy is the Governor General, and he would not be disposed to exercise his authority. As regards seamen imprisoned for offences committed on shore, the sentences must take their course, but the keeper of the jail would furnish list of seamen under his charge with dates of expiration of sentences. Castle of St. Lewis, September, 4.

p. 650

Campbell to Durham. *L.S.* Transmitting Return of troops in Nova Scotia and dependencies. Headquarters, Halifax, September 15.

p. 657

Enclosure:

Return mentioned.

p. 658

J. E. Pierce and others to Colonel Taylor. *Copy.* Expressing apprehension that attack on St. Johns is meditated, and asking for increase in military force. St. Johns, September 22.

p. 661

Samuel Andres Jr. to Buller. *A.L.S.* Conveying information respecting symptoms of agitation and disaffection in Chambly county. Chambly, September 24.

p. 664

Colborne to Durham. *Private.* *A.L.S.* Stating in reply to enquiry of 21st that he would not feel justified in relinquishing command until regularly relieved. Should Durham maintain his determination to return to England, he is prepared to take harness again. General lack of confidence in security of province. Sorel, September 24.

p. 668

Clitherow to Captain Goldie, A.D.C. *Copy.* Enclosing letter from Lieut. Col. Williams, stating that only one gun was captured at Moore's Corner, instead of two as first reported. Montreal, September 26.

p. 672

Enclosure:

Williams to Clitherow. Letter mentioned.

p. 673

Major Williams to Clitherow. *A.L.S.* Enclosing deposition of John Smith, and copy of section of United States Act, in connection with removal of gun from Swanton. Has given direction for all vehicles moving at unusual hour to be examined. Communication with American officers respecting the gun purported to have been stolen from Swanton. Phillipsburg, September 24.

p. 676

Enclosures:

(1) Deposition of John Smith, containing information bearing on the disaffection prevailing on frontier. Phillipsburg, September 24.

p. 680

(2) Deposition of William McGouin, as to conspiracy to destroy loyal inhabitants. District of Montreal, September 27.

p. 682

M. O'Sullivan, Solicitor General to Buller. *A.L.S.* Enclosing two letters, one from Chaffers, the other from the Curé of St. Césaire. Has been informed on best authority that not less than 600 Patriots have crossed the line to put themselves in communication with Dr. Côté. Montreal, September 27.

p. 684

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1838.

Enclosures:

St. Césaire,
September 19.

(1) W. H. Chaffers to O'Sullivan. *A.L.S.* His enquiries convince him of correctness of information already furnished: secret oaths are being administered to "habitants" at nocturnal meetings of persons inimical to Government. Evil extending to adjoining parishes.

p. 687

St. Césaire,
September 21.

(2) Lamarre, Curé, to O'Sullivan. *A.L.S.* In French. Evidences of conspiracy among loyal inhabitants.

p. 688

Military
Secretary's
Office,
Quebec,
September 28.
Montreal,
September 24.

Rowan to Couper. *L.S.* Enclosing two letters from Clitherow with enclosures.

p. 689

Enclosure:

Clitherow to Colborne. *Copy.* Enclosing letter from Lieut. Col. Williams. Information as to passing of arms into province. Inhabitants of St. Johns desire to form small independent corps, and ask to be furnished with arms, which he recommends.

p. 691

Sub-enclosure:

Henryville,
September 24.

Williams to Clitherow. *A.L.S. and copy.* Capture of two cannon concealed in waggon and cart.

p. 695

Sorel,
September 27.

Colborne to Durham. *A.L.S.* Has been notified by Glenelg that no officer has been appointed to succeed him, in the expectation that, if he understood the inconvenience of relieving him, he would consent to stay. He will therefore stay.

p. 698

September 28.

Blank form of depositions in French, purporting to give account of treasonable association.

p. 701

Montreal,
September 29.

O'Sullivan to Buller. Private and confidential. *A.L.S.* Account of secret meetings of conspirators in vicinity of Isle aux Noix. The oaths taken. Information obtained from two persons of highest respectability, who divulged secrets from religious motives.

p. 705

Montreal,
September 29.

Unsigned communication in French, as to existence and plans of conspirators in Upper and Lower Canada.

p. 711

Quebec,
September 30.

Rowan to Couper. *A.L.S.* Transmitting reports describing gun, etc., captured on Missisquoi frontier.

p. 712

Enclosures:

St. Johns,
September 27.

(1) Taylor to Lieut. Col. MacLachlan. *Copy.* Forwarding stores captured by Colonel Williams.

p. 713

Montreal,
September 27.

(2) MacLachlan to Clitherow. *Copy.* Forwarding stores.

p. 714

Massillon,
Ohio,
October 1.

James L. Ross to Durham. *Copy.* Offering to disclose information as to movement against Canada, if adequate compensation were given.

p. 717

In Council,
October 1.

Return of Prisoners (in Upper Canada), remaining for the punishment of transportation, with particulars of each case.

p. 721

Sorel,
October 3.

Colborne to Durham. Private. *A.L.S.* Enclosing copy of letter he has sent to Arthur. Necessary to have another regiment from Nova Scotia. Hears priests much alarmed at proceedings in the parishes. It is vain to attempt to legislate or carry into effect, measures of reform, with province in existing state. Desirability of another regiment for use in Upper Canada. Mass of inhabitants "loyal, contented, active and spirited," but unless there is sufficient number of soldiers to protect every part of province, the state of excitement and alarm will prove ruinous.

p. 736

No enclosure.

New York,
October 8.

William Young of Halifax to Durham. *A.L.S.* Conveying to him information as to the formation of a vast organization containing

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80,000 members, whose purpose it is to prepare for the invasion of Upper Canada during the following winter. The information was imparted to him by Benjamin Ogden, an eminent lawyer and for many years a leader of the Whig party, for the purpose of transmission to Durham. Mr. Ogden was about to notify the Government in Washington, and assured him that, though opposed to it, he was convinced of the Government's good faith towards Great Britain and of its sincere desire to preserve peace between the two countries. Young, also, relates that the Mayor of New York told him that Papineau had lately visited him and expressed surprise at the inaction of Americans over burning of "Caroline." The Mayor stated they were satisfied to leave matters in hand of Government at Washington, and, on Papineau's intimating that he intended to discuss the matter, the Mayor said that if he attempted any public agitation, he would put it down and Papineau along with it. p. 741

Sir J. W. Gordon to Durham. Confidential. *A.L.S.* Respecting command in Canada. Will do his best to promote Durham's wishes respecting Sir Colin Campbell, whom he highly commends. Has been observing course of events in Canada. Glad to notice that Durham will complete his work before his departure. p. 746A

J. S. Bartlett to Rowan. *A.L.S.* Enclosing a letter from a Mr. Hancock formerly a chaplain in British Army. p. 747

Enclosure:

Thomas Hancock to Bartlett. *A.L.S.* Imparting information to be sent to Governor of Canada, respecting the activities of the New York section of the association for the invasion of Canada. He received the information at first hand. p. 748

Campbell to Durham: *A.L.S.* As requested in letter of 6th, he is sending 93rd Highlanders to Canada. p. 751

Campbell to Couper. *A.L.S.* Respecting despatch of 93rd Highlanders. Will send another in response to Colborne's request, when man-of-war arrives. Sympathy for Durham. p. 755

Paget to Durham. Private. *A.L.S.* Sympathy with Durham for the "scandalous treatment" he received. Contempt for Brougham. Respecting arrangement for Durham's passage home. p. 762

Campbell to Durham. *L.S.* Departure of 93rd Regiment for Canada. p. 770

Deposition of W. V. Andrews, that he saw Theller, an escaped convict, near the door of A. N. Morin, that he believes Theller entered the house of Morin, and was secreted there. *Copy.* p. 774

Deposition of John Campbell, that Morin supplied books and newspapers to prisoners, and once asked deponent to take some money for them; that a prisoner named Dodge carried on a transaction with Morin through him, that Rev. Mr. McMahon sent books to prisoners and visited them twice. *Copy.* p. 775

Deposition of Elizabeth Lawson, that Morin sent money on three occasions to Theller, through her. *Copy.* p. 778

Deposition of Simeon Lelièvre, that he was accosted on the street by a person, who called Dodge to him. *Copy.* p. 780

Deposition of Alfred Savage, that on the day previous, he had supplied laudanum to a person who said it was for use of a State prisoner. *Copy.* p. 782

Deposition of Marie Doyer, in French, that a man, whom she described but did not know, visited Morin about 8 in the morning, and

1838.

Isle of Wight,
October 10.New York.
October 10.New York,
October 10.Halifax,
October 10.Halifax,
October 10.Bermuda.
October 15.Government
House,
Halifax,
October 16.Quebec,
October 16.Quebec,
October 16.Quebec,
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October 16.

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1838.

went up to his bedroom. A ladder which was in the yard, had been placed there by a workman on the Friday before. *Copy.* p. 784

Toronto,
October 22.

Deposition of William Jones Kent, late of Brownhelm, Ohio, respecting a great society in the United States known as the Hunters and Chasers Lodges, giving their form of oath, their secret signs, and their object which was the establishment of a republic in Canada. Mackenzie knew little of it as he was not trusted, and Sutherland was looked upon as a spy. *Copy.* p. 789

Montreal.
(October 16?)

Clitherow to Couper? *A.L.S.* Enclosing letter respecting activities of disaffected in border districts. Has strengthened forces at St. John's and Laprairie. Excitement and distress in Montreal at news of Durham's intended departure. (No enclosure). p. 834

Quebec,
October 18.

Couper to Colborne. Private. *Copy in Couper's hand.* The menace of impending hostilities makes Durham doubtful as to whether he should leave Canada at this time. The reasons however leading him to resolution to return are as strong as they ever were. Durham has consulted Buller and himself as friends. They are agreed that no change has occurred that should alter his resolution. Desires to know Colborne's advice. p. 836A

Quebec,
October 19.

Colborne to Couper. *A.L.S. and copy.* Replying to note of day before, asking Colborne's opinion as to whether, in view of the alarming intelligence received since the news of his impending departure has become known, Durham can, consistently with his honor, adhere to intention to leave provinces. Colborne persuaded that as matters stand, all Civil and Military authority should be invested in Commander-in-Chief. Durham's presence would be an embarrassment. Several persons of integrity and high principles, to whom he has spoken concur. Durham's presence in London may be of utmost importance. The sooner he can bring before Government actual state of affairs the better. p. 837

Saturday
night,
October 20.

Arthur to Colborne. *Copy.* Alarming information received from Fox, of extensive combination for invasion of Upper Canada. This is confirmed by an officer of the 43rd Regiment. Has notified General Macomb, desiring him to prevent Patriots from getting arms from public stores, which is part of their plan. Executive Council considers it necessary to raise 5,000 militia to check insurrectionary movement. Arthur of opinion that not a moment should be lost. Sir Allan Macnab reports bad disposition among teamsters, etc. Arthur inclined to doubt this. Much sickness and desertion among regulars.

Citadel of
Quebec,
October 22.

T. J. Sutherland to General Sir James Macdonell. Describing the manner of the escape of Theller and Dodge, in order that the sentinels who had been arrested, might not be unjustly punished, as they were quite guiltless. p. 849

St. Lewis
Barracks.
October 24.

..... to Durham. *Copy.* Statement showing the heavy debts the soldiers are obliged to assume for rations, as explaining the large number of desertions. p. 859

Albany,
October 24.

Anonymous letter to Durham. Stating that a widespread organization exists along the United States frontier, having in view invasion of Canada. p. 865

Montreal,
October 28.

Colborne to Durham. Private. *A.L.S.* Enclosing letters from Arthur which show that great alarm prevails in Upper Canada. He has no doubt of an extensive organization among the French Canadians, who are under oath to take up arms when called upon. He has this from an advocate, who is in communication with the man in whose house they met. p. 868

SESSIONAL PAPER No. 23

- (No enclosures.)
- "P" to T. A. Young. *In French*. Offering to give important information, on certain conditions which he sets forth. p. 871 1833. October,
- Opinion by Turton, coincided in by Buller, that an American coming into Canada for the purpose of making war on the Sovereign, should be dealt with, not as a traitor, but as an alien enemy, and tried by Court-Martial. *Signed by Turton and Buller*. p. 874 Quebec, October.
- Memorandum of proposed distribution of Forces in Lower and Upper Canada. p. 881 Military Secretary's Office, Quebec, October 31.
- Enclosure: Return of Volunteer Force for local or general service in Lower Canada. p. 884 Montreal, October 30.
- A memorandum by Colborne, containing plans for the defence of the country in the event of an attempted invasion from the United States. *D.S.* p. 886 Quebec, November 1.
- T. J. Sutherland to Glenelg. *A.L.S.* Representing that his detention is illegal, and demanding that he be set at liberty. p. 891 Citadel of Quebec, November 1.
- Colborne to Paget. *A.L.S.* As the province is in insurrection, he trusts Paget may take measures to detain the State prisoners sent to Bermuda, until he receives instructions from the Government in England. p. 905 Montreal, November 5.
- Proclamation of Arthur, reviewing his measures since his assumption of government, stating that he has evidence of an extensive conspiracy in United States border towns for another invasion of Upper Canada, and calling on citizens to be ready to meet any such attempts. *In print*. Two copies. p. 909 Toronto, November 5.
- Couper to Durham. Confidential and private. *A.L.S.* Account of grief at Durham's departure, comparable to effect upon Peninsular Army of Wellington's being superseded. He accompanied Colborne to Sorel, where news of rising awaited them. Colborne made his dispositions and they proceeded to Montreal, where attack was anticipated. He himself does not think there is much heart in insurrection but Colborne is doubtful. Colborne has asked Paget not to allow exiles to leave Bermuda. No news of Ellice. The two ladies are safe at Beauharnois. So far as he can ascertain, there is no feeling of sympathy in United States for rebels, but his opportunities are limited. p. 911 Troy, November 7.
- Colonel C. B. Turner to Arthur. *Copy*. Arrival of 93rd Regiment. Movement of troops. p. 915 Cornwall, November 10.
- Turner to Arthur. *Copy*. News of victory over rebels. Will forward State prisoners by first opportunity. p. 919 Cornwall, November 11.
- List of papers found on prisoners taken by Lieut. Leary, R.N. p. 923 November 13.
- Sandom to Arthur. *Copy*. Reporting measures taken for protection of frontier between Kingston and Prescott. Engagement with enemy near latter place. Vigorous resistance of Lieut. Powell, in command of "Experiment", to landing of men from United States side. p. 926 H.M.S. "Niagara", Kingston, November 14.
- Enclosure: Return of killed and wounded. p. 938 Kingston, November 14.
- Copy of *Upper Canada Gazette Extraordinary*, containing account of landing of a band of brigands near Prescott, and of their defeat; also, of the flight of the rebels in Lower Canada before a body of Highlanders. p. 940 Toronto, November 16.

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1838.
Bermuda,
November 23.

Paget to Durham. Private. *A.L.S.* Thanks for letter written by Durham in commendation of Paget's services. The exiles had been released by order of Glenelg, before he received advice from Canada. Had he known the situation he would have vetoed their release. They applied to him for a ship to take them to United States which he refused. They went in merchant vessel. Personal matters.

p. 942

Undated.

Statement of Provisional Force raised at Cape of Good Hope and attached to Regular Regiments there.

p. 946

Montreal,
December 19.

Colonel Grey to Durham. *A.L.S.* Steps attending suspension of Judges Bedard and Panet. Vexatious delay through several consultations. General belief that course of judges was result of disallowance of Durham's ordinance. Sharp line of division between English and French. Court-Martial proceeds slowly. No further disturbances. Busy swearing in inhabitants. Reports of activity on American side. Invasion said to be fixed for February. Does not believe in it, as the troops will be too well prepared. Information from prisoners. Desmouchelles who led attack on seigniori house at Beauharnois, told him they began swearing in as early as July. He himself swore in 250 in one day in neighbourhood of Chateauguay about August 1. Insurrection was to have taken place on 5th or 6th November. Rebels informed that whole force, including volunteers, did not exceed 5,000 men; also, that they themselves had secured 7,000 stand of arms and 42 pieces of cannon from United States. Plundering of country by Glengarries and Roebuck indescribable. Latter appears to have been common robber. "One regiment of Glengarries marched out of Beauharnois 550 strong as infantry, and returned three days after as cavalry." News of attempt at Sandwich.

p. 950

Undated.

Copy of notes of evidence in case of the Queen vs. Isaac Moore and Harvey Bryant, indicted for high treason.

p. 958

Undated.

Copy of notes of evidence in case of the Queen vs. John Moore, indicted for high treason.

p. 978

Undated.

Copy of notes of evidence in case of the Queen vs. Ebenezer Wilcox and Enoch Moore.

p. 1001

1839.
St. Augustine,
Florida,
April 26.

T. S. Brown to Durham. *A.L.S.* General denunciation of Great Britain in her relations with her colonies. Declares his conviction that J. G. Parker is innocent of political crime.

p. 1023

Newgate
Prison.
May 25.

Statement of John G. Parker respecting Political Unions in Upper Canada, and the state of parties, when he wrote certain letters, on each of which he makes explanation.

p. 1027

Woodstock,
N.B., Mar. 27.

District General Order, on occasion of disembodiment of militia and volunteer troops, as result of withdrawal by Governor of Maine of armed militia force from Disputed Territory. *In print.*

p. 1037

List of Convicts transported from Lower Canada to Bermuda from November 1, 1828 to November 1, 1838. 2 copies.

p. 1038

Undated.

List of Jury who tried cause of Queen vs. Nicolas.

p. 1044

Undated.

Summer and winter dress.

p. 1046

SECTION 5.—LANDS, CLERGY RESERVES, EMIGRATION, EDUCATION, CHARITIES.

VOLUME I

Additional Instructions to Walter Patterson, Governor of Island of St. John (Prince Edward Island) respecting transfer of certain lands to Loyalists from United States. 1783. July 24. p. 1

J. Bouchette to Hon. James Irvine. *Dft. Initialed.* Reply to enquiries of committee appointed to enquire into matters affecting revenue. No reduction possible in expenses connected with administration of public lands. Account of work of that Department. On question whether larger revenues could be collected, he gives his ideas as to how revenues could be increased. The principal source of revenue is the Crown Reserves, which average 9,000 acres in each township. Present system of leasing for 21 years of little benefit. Rents irregularly, in some cases never, paid. Generality of reserves, particularly on water courses, subject to depredations of all sorts, and to "squatting." He recommends leases for 99 years or, better still, freeholds. Suggests mutation fine of one-twelfth. Encloses statements of the average quantum of ungranted lands, and total quantum of Crown Reserves, with estimates of revenue which might be taken. 1822. Surveyor General's Office, March 22. p. 8

Enclosure: Statements mentioned. p. 18

H. Craig, Secretary, to A. C. Buchanan. *A.L.S.* Enclosing for information and guidance, copies of despatches from Colonial Secretary on subject of emigration. His salary. Security required for proper handling of monies entrusted to him. 1832. Castle of St. Lewis, Quebec, April 18. p. 21

Enclosures:

(1) Goderich to Aylmer. *Copy.* Approval of measures. A. C. Buchanan to be Chief Agent for emigrants. Salary. Encloses copies of communications addressed to Colborne. 1832. Downing Street, February 1. p. 24

(2) Goderich to Colborne. *Extract.* Necessity for establishment of Emigrant Agent, who should direct emigrants, on their arrival, to places where employment could be obtained. Means of assisting those, who through illness, are unable to work subsidy for local hospital; or through Governor, where demand for labor is unequal to supply. Precautions in case Government should be compelled to find work for surplus. 1831. October 31. p. 28

(3) Goderich to Colborne. *Copy.* Acknowledging receipt of despatch inclosing reports as to demands for labor. Will publish the information with that received from other provinces, and anticipates large emigration. Government should not assist indigent emigrants, except by finding employment for them. Approves of their engaging as farm laborers, as preparation to becoming owners of farms. Looks for good results from employing excess labor in improvement of Crown Lands, by roads, etc. Such excess might even be occupied in clearing lands and preparing it for purchasers. Such prepared property might be sold to promising laborers on credit, the condition being that half should revert to Crown on default in payments. As many emigrants, who receive aid to come to Canada from parishes or individuals, waste their money before getting to destination, it would be well to arrange to have such money withheld until recipients are located. Emigrant 1832. Downing Street, February 1. p. 28

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1833. Agent proper depository. Necessity of co-operation with Governor General, as most emigrants come in by Quebec. p. 32
- Quebec, March 18. E. B. O'Callaghan, Chairman of Quebec Emigrant Society. *A. Dft. S.* Circular letter, enclosing series of questions respecting means of assisting emigration. p. 40
- Enclosure:
Questionnaire. p. 41
- Quebec, March 18. Hector S. Huot to O'Callaghan. *A.L.S.* In French. Replies to questions. County of Portneuf which he represented was settled except for one or two parishes. Farmers in that district had no need of employees; they also had mechanical skill sufficient for their requirements. Those in service to the farmers were not employees in ordinary sense, but formed part of the farmer's family, and therefore had to satisfy the farmer as to their honesty, and morality. p. 45
- Quebec, March 19. F. G. Heriot to O'Callaghan. *A.L.S.* Eastern Townships afford encouragement to emigrants. Employment can be had from farmers. Emigrants with from £100 to £500 might procure good farms at reasonable price. Masons, carpenters and wheelwrights paid 5 shillings a day; male servants 20 to 40 shillings a month, and female 10 to 20 shillings. Lands can only be obtained by purchase. p. 49
- Quebec, March 23. P. H. Knowlton to O'Callaghan. *L.S.* Emigrants without means can do better in more thickly populated places than in townships as farmers must pay wages in kind; but if they have small means, they could be comfortable, as able-bodied men can readily find employment. p. 52
- Quebec, March 23. Hon. J. Stewart to O'Callaghan. *A.L.S.* Stating that Jesuits Estates do not afford employment for emigrants, but that occasionally persons with means may obtain lands on Seigneurial Tenure. p. 54
- Quebec, March 24. E. Harbottle to O'Callaghan. *A.L.S.* Beauce has much unsettled land suitable for farmers. Employment limited except at seed time and harvest. Those most wanted there are farmers, with limited number of mechanics. Masons, carpenters and wheelwrights make from 3/6 to 5 shillings a day. Servants, male, from 25 to 40 shillings a month; female, from 7/6 to 15 shillings. Land can be had in Seigniory for from 15 to 30 shillings a lot of from 75 to 90 arpents. The district has good roads. p. 57
- Quebec, March 27. W. Henderson to O'Callaghan. *A.L.S.* Frampton is well settled; 5 or 6 families in Buckland, and perhaps as many in Cranbourne—a few scattered settlements on Kennebec Road. Standon contains about 20 families. Ten years before, of all these, there were only 8 or 10 families, all in Frampton. Settlers very poor, not more than 50 acres under plough in all. No prospect of securing employment in these townships. Hard working, unencumbered laborers most likely to succeed. Male servants get £12 to £18 a year, female 5 to 10 shillings a month. Neither required. Carpenters in demand; get 3 shillings to 8s. 6d. a day. Pay is mostly in kind. Potatoes, in demand, 1s. 3d. to 2s. 6d. a bushel paid to farmers. Most townships in Beauce and Bellechasse in possession of Crown, and land there must be paid for. He lets land on 999 years lease, with option of freehold. Rent formerly 3½ to 4¼d. an acre; now 6d. an acre. Customary to let from 2 to 5 years, free of rent. Room for 100 families on his property allowing each 2 lots of 52 acres. Crown Lands sell for 4 shillings an acre. p. 61
- Office of Crown Lands, Quebec, March 30. John Davidson to O'Callaghan. *A.L.S.* Replying to enquiry, invites attention to Proclamation of December 18, 1827, for regulations governing disposal of Crown Lands. p. 65

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P. Langlois to O'Callaghan. *A.L.S.* All good, well situated lands in his seigniory taken up. No employment offering for laborers or mechanics. 1833.
Quebec,
April 12.

p. 66

G. C. Colclough to O'Callaghan. *A.L.S.* Report respecting county of Sherbrooke. No emigration can be advantageous without considerable number of persons possessing somewhat ample means. Considerable number of laborers could find employment at reasonable wages. There are sufficient number of mechanics for present needs. Farm servants get from \$6 to \$8 with board at first; from \$10 to \$16 when experienced. Carpenters \$18 to \$24 a month with board. Household servants, male, from \$4 to \$6; female, \$2 to \$3 per month. Pay partly in cash, partly in kind. Land can only be obtained by purchase; price \$1 to \$2 an acre. Society should establish depot of provisions, preferably at Sherbrooke. Sherbrooke,
April 20.

p. 69

James Burray to O'Callaghan. *A.L.S.* Will give subject consideration. Leeds,
April 22.

p. 76

Andrew Russell to O'Callaghan. *A.L.S.* A few farm servants might obtain employment, but not many. Emigrants with capital, or, if industrious, with a little money would be desirable. Wages. Shoemakers and tailors 2s. 6d. to 4 shillings; masons and carpenters 2 to 4 shillings. Servants, male, 20 to 40 shillings with board; female, 5 to 15 shillings with board. Payment chiefly in cash. Land must be purchased. Price 4 to 10 shillings an acre; Crown Lands 4s. and 4s. 6d. an acre; lands of private proprietors 5 shillings an acre or quit rent of 30 shillings per 100 acres. Leeds,
April 27.

p. 78

Peter C. Lord to O'Callaghan. *A.L.S.* Not much farm labor wanted. Emigrants with capital should do well. Roads are bad. Wages, shoemakers, tailors, masons and carpenters receive from 2 to 4 shillings a day. Servants, male, 20 to 50 shillings a month; female, 5 to 15 shillings. Land can be obtained only by purchase. Prices from 4 to 10 shillings an acre. Crown Land from 4s. to 4s. 6d. an acre. Land of private individuals 5 shillings. Ireland,
May 1.

p. 82

J. Burray to O'Callaghan. *A.L.S.* County of Megantic very suitable for settlers. Not much steady employment for laborers. Most desirable sort of emigrants are farmers. Servants, male, get from \$6 to \$10 in summer and from \$2.50 to \$4 in winter; female, from \$2 to \$4. Lands can only be obtained by purchase; average price for land held by private individuals 5 shillings an acre, or quit rent of 6 shillings per 100 acres; all other lands 4 shillings and 6 pence per acre. Leeds,
May 6.

p. 85

Memorial signed by 447 of the inhabitants of districts bordering on Ottawa river, pointing out that this district is still scantily settled, and the navigation undeveloped; that a wealthy company is being formed to exploit its resources, and asking that the company may receive encouragement from Governor, as operations of Canada Company and the British American Land Company, beneficial as they are to the districts within their spheres, are detrimental to those districts, which do not enjoy the same advantages. Attention invited to advantages of water communication between Ottawa river and Lake Huron. 1834.
Bytown,
September 19.

p. 89

Wm. Rowan to Charles Shirreff. *Copy.* Lieut. Governor will be pleased to submit to Home Government any scheme having in view settlement of country between Ottawa and Lake Huron, and opening of water communication along route. Government
House,
Toronto,
November 5.

p. 95

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1834.

Castle of
St. Lewis,
Quebec.

November 5.

H. Craig to Shirreff. *Copy.* Similar in tenor to immediately preceding letter, on part of Governor General. p. 97

1836.

Custom House,
Prince Edward
Island,

January 5.

Account of exports from Prince Edward Island for year ended January 5, 1836. p. 100

1837.

Surveyor
General's
Office,
Quebec,
January 25.

January 31.

J. Bouchette to S. Walcott, Civil Secretary. *L.S.* Reporting that, owing to circumstances which he mentions, an excess of about 22,150 acres has accrued to the Clergy, over and above the seventh allowed by the Act 31 Geo. III. c. 31. p. 102

Report of Commissioners (Lord Gosford, Sir George Gipps and Sir Charles Grey) on Clergy Reserves. p. 105

Office of
Commissioner
of Crown
Lands,
March 28.

R. B. Sullivan to Mr. Secretary Joseph. *L.S.* Report on methods of disposal of Clergy Reserves. Encloses Imperial Act 7 and 8 Geo. IV. c. 62, which is authority for sales. Up to March 8, 1837, sales of Clergy Reserves to amount of 393,746 acres have been made. The total amount of Reserves in surveyed townships is 2,197,526 acres. Of these 361,000 are under 21 years' lease. Course pursued as regards sales, was to have inspection and valuation made, and lands were sold on terms fixed to first applicants. In many cases, applicants were allowed to enter on lands desired by them before inspection, and purchase settled after valuations made. Many leases have been converted into fee simple. These are only exceptions to sales by public auction, which has been rule since 1834, subject to the right of pre-emption, granted to occupants. System of leasing has been abandoned. Arguments in favor of sales outright: (1) Desire of people to have political rights as freeholders; (2) interest of settler to have permanent property; (3) rents small and irregularly paid; (4) necessity of raising larger amount to maintain Clergy; (5) political expediency vacant lands are tempting to enemy, and source of grievance to discontented; (6) constant subject of dispute between religious denominations; (7) surrender of Crown Reserves to Canada Company has created shortage of land available for incomers; (8) lessees of Clergy Reserves desire to purchase, many wishing to realize on their improvements; (9) inadequacy of funds to meet demands of Clergy, necessitating recourse to Casual and Territorial Revenue. He recommends that authority should be obtained from Imperial Government to sell another quarter of Reserves. Of the quarter already authorized for sale—549,381 acres—there are only 155,645 acres left unsold. If this fact were known lessees and other claimants would be urgent to purchase, and their demands could not be met. He, also, recommends that the fund created by sales and leases should be transferred to Provincial Government debentures, which would give double amount now received. The security would be of the best. p. 141

Surveyor
General's
Office,
Quebec,
April 11.

J. Bouchette to Walcott. *L.S.* Enclosing statements in connection with letter of January 25, respecting excess appropriations to Clergy. p. 164

Enclosures:

Quebec,
April 4.

(1) Quantity of Crown Lands appropriated to Protestant Clergy upon sales of Crown Reserves, in mentioned townships, between June 28, 1828 and December 30, 1836. p. 166

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- (2) Quantity of Crown Lands appropriated to Protestant Clergy upon sales of Clergy Reserves, in these townships, during same period. p. 169
- (3) Sales of Crown Lands between March 18, 1828 and December 31, 1837, arranged according to quantities. p. 171
- (4) Sales of Clergy Reserves between July 4, 1829 and December 31, 1837, arranged in same way. p. 174
- (5) Recapitulation. p. 179
- Copy of *Royal Gazette* containing "An Act for levying an assessment on all Lands in this Island". p. 181
- Copy of *The Colonial Herald* for each of dates mentioned, containing petition of inhabitants of Prince Edward Island to Queen, setting forth their grievances. p. 182
- Abstract of admissions, discharges and deaths at the Quarantine Hospital, Grosse Isle, from May 6 to October 21, 1837. p. 184
- Rev. R. Alder, Secretary Wesleyan Missionary Society, to Glenelg. A.L.S. On the best methods of promoting the religious and temporal welfare of Indians. p. 186
- Wakefield to Durham. A.L.S. Enclosing pamphlet by Ward on Emigration. Has ordered report of Committee to be sent to Durham. Encloses Molesworth's digest of evidence taken by Transportation Committee, and book of Colonial charters. p. 210
- Annual Report of Chief Emigration Agent for Upper and Lower Canada for 1837. p. 214
- Memorial from Right Reverend Alexander Macdonell, Bishop of Kingston, and 86,500 Roman Catholics of Upper Canada to Legislative Council, praying for assistance from Clergy Reserves. p. 292
- Statement by the Committee of the General Assembly of the Church of Scotland, on behalf of the Scottish Presbyterian Church of Canada. *Two copies in print.* p. 296
- Pamphlet by Lord Howick on a Plan of Emigration. A.L. *Initialed.* He was opposed to assisted emigration. 1st. because it was unnecessary; 2nd. it would be a check on voluntary emigration; 3rd. it would throw on Government responsibility for fitness of emigrants, which it could not discharge satisfactorily; 4th. it would give emigrants in distress a claim on Government and remove a powerful stimulus to self help. Assistance should be limited to two objects: obtaining for emigrants the cheapest and best means of transportation, and the necessary arrangements for their reception at end of passage, furnishing information to those with means, and helping those without means to find employment, and sending the sick to hospitals. Approval of measure for charging a head tax of 5 shillings to help in maintenance of accommodation for sick. Would double tax in case of ships in which regulations for benefit of passengers were not attended to. The most important point was provision for employing laborers when they got to Canada. He rejected plan of settling these at once on own lands; and thought mere temporary supply of tools and food insufficient. His idea was that it was unwise to attempt to raise laborers in the industrial scale, until they had had experience. His plan was to establish villages of 100 to 150 cottages on different parts of Crown Lands, with, say, $\frac{1}{4}$ acre of land attached to each; and to erect a church and schoolhouse, which might perhaps occupy one building, with residence for clergyman. Destitute laborers should occupy these cottages as weekly tenants, with right of purchase. These laborers should be given employment in improving Crown Lands by

1837.
Quebec,
April 4.

Charlottetown,
June 20.

September
23 and 30.

December.

Hans Place,
December 20.

1838 (7).
Quebec,
December 22.

1838.
February 13.

Edinburgh,
March 6.

March 19.

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1833.

opening roads, clearing lands and preparing further villages. They would thus gain the experience necessary to fit them to be successful farmers. The plan of giving small allotments either free or upon credit has proved failure. Advantage of village settlements would be the providing the people with the several conveniences of civilized life. The scheme he proposes would in his opinion be peculiarly suitable for Lower Canada, and he thinks that settlement groups might be formed under leadership of clergymen, either Protestant or Roman Catholic.

p. 309

British
American
Land
Company.
Bucklersbury,
March 26.

H. P. Bruyeres, Secretary to Durham. *A.L.S.* Sending maps of Eastern Townships. Favorable opinions of district held by earlier governors. Importance of settling it. Sherbrooke might be made military position. Asks interview for deputation. (Durham directs that Bruyeres be told that he will be happy to receive deputation).

p. 349

Quebec,
April 5.

Memorial of the Committee of Management of Quebec Emigrant Society to Administrator, on subject of relief for destitute emigrants.

p. 353

10 Lower
Parade,
Leamington,
April 14.

Bishop of Nova Scotia to Durham. *A.L.S.* Calling attention to lack of suitable provision for Church of England clergy in New Brunswick, Nova Scotia and Newfoundland; and giving reasons for his belief that Clergy Reserves were intended solely for Church of England.

p. 357

Undated.
(Probably
April or May.)

Memorial of the Colonial Missionary Society in connection with the Congregational Missionary Union of England and Wales. Commending Society to Durham's favour, and expressing sympathy with opposition in Upper Canada to endowment of Church of England.

p. 365

London,
May 3.

G. R. Young to Durham. *L.S.* Enclosing pamphlet prepared by him as agent for the proprietors of Prince Edward Island.

p. 369

Charlottetown,
May 23

Mungo McFarlane to (FitzRoy). *Copy.* Memorial from committee of agriculturalists appointed to manage Escheats question. Representing illegal usurpation of proprietors on Fishery Reserves, notwithstanding measures of mediation of Governor with them. Dangers of provoking people, who are thoroughly loyal. Ask that this address be sent to Government in England.

p. 372

Castle of
St. Lewis,
Quebec,
June 4.

Buller to Roman Catholic Bishop of Montreal. *A.L.S.* Stating that three copies of the Governor's Proclamation have been sent to each parish priest with request to make its contents known to parishioners and expressing confidence that the tried loyalty of the priesthood will make this an agreeable duty.

p. 376

B.A. Land
Company,
June 12.

John Fraser to Durham. *A.L.S.* Enclosing at Durham's request a statement of further improvements contemplated by Company in District of St. Francis. (Enclosure herewith).

p. 381

June 18.

Draft of Commission to Buller to proceed to enquire into past and present methods of disposing of Waste Lands, Woods, Forests and other Domains and Hereditaments belonging to the Crown in British North America. *With rough draft in Buller's hand.*

p. 384

Crown Lands
Office,
Quebec,
June 22.

T. Bouthillier to R. D. Hanson. *A.L.S.* Invites attention to fact that in all patents for land, the clergy appropriation equals one-fifth of land granted, whereas Statute allows only one-seventh. Only lately matter has come under supervision of his office. Patents, in his opinion, might advantageously, be simplified.

p. 402

Payne's Hotel,
Quebec,
June 22.

J. Fraser to Buller. *A.L.S.* Observing Buller's appointment on commission to enquire on subject of Crown Lands, he as commissioner

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- of British American Land Company, places services and information at Buller's disposal. p. 405 1838.
- A. C. Buchanan, Chief Immigration Agent to Hanson. *A.L.S.* Saturday, Enclosing copy of return of admissions, discharges and deaths at (June 23) Quarantine Hospital. (Enclosure herewith). p. 407
- Wm. Evans to H. Petre, Secretary to Land Commission. *A.L.S.* Côte St. Paul. Presenting copy of work on capabilities of British North American Montreal, provinces. Offers assistance. p. 411 June 25.
- Bouchette to Buller. *L.S.* Enclosing report on surveys of section of Orford township. Stating that surveys for British American Land Company were made without reference to his office, and on an unprecedented scale of expense. p. 413 Surveyor General's Office, Quebec, June 26.
- Wm. McTavish to Sir John Doratt. *Copy.* Furnishing information required by Governor respecting the Quebec branch of the Society for the Promotion of Christian Knowledge. p. 415 Quebec, June 27.
- Sister St. Gabriel to Doratt. *Copy. In French.* They receive no Government assistance, though Legislature did provide for reconstruction of part of their buildings. p. 419 Ursulines de Québec, June 28.
- Rev. B. Fortin to Doratt. *Copy. In French.* The Ursulines here maintain a hospital and a separate building for insane; also, boarding school for girls, and free school for poor day scholars. Receives grant from Legislature. p. 421 Trois Rivières, June 29.
- W. Edmonstone, Secretary, to Doratt. *Copy.* Society founded by Scotsmen for assistance of distressed countrymen. Has no government assistance. p. 424 Montreal, St. Andrews Society, June 29.
- Statement of James Maychell, commanding brig "Robert Burns", that he learned at St. John's, Newfoundland, that cholera was raging on Island of St. Pierre, and that deaths were occurring for several days at rate of 80 a day. *Copy.* p. 426 June 29.
- J. Stevenson, Manager of Commercial Bank to Buller. *A.L.S.* New Edinburgh, Submitting a scheme for Emigration to be tried in County of Russell. He proposes appointment of two managing committees, one in London, the other local; that grant be obtained of 6,000 acres in Russell County; that 30 laborers be brought out, indentured for one year; that at end of year, each shall purchase 50 acres. The estimates would show a considerable favorable balance, to be devoted to furthering scheme. Land often brings as much as 20 shillings an acre. p. 428 June 29.
- Wm. McTavish to Doratt. *Copy.* Giving account of activities of Quebec Diocesan Committee, particularly on educational side. p. 435 Quebec, June 30.
- P. McGill to Doratt. *Copy.* Montreal Constitutional Association is not a charitable organization. p. 438 Montreal, June 30.
- Henriette Maret to Doratt. *Copy. In French.* Charitable Society of Ladies of Quebec was founded in 1833 for relief of orphans. Has received £100 a year. p. 440 Quebec, June 30.
- W. S. Sewell, chairman, to Doratt. *Copy.* Report of Male Orphan Asylum of Quebec. p. 442 Quebec, June 30.
- Memorial from Bishop Macdonell. *Copy.* Has resided 34 years in Upper Canada, and has a wide and intimate acquaintance with people and conditions in province. Gives account of Protestant and Roman Catholic population in Upper and Lower Canada. Loyalty of Roman Catholics as compared with that of Protestant Dissenters, in late disturbances. Discrimination against Roman Catholics in matter of assistance for religion and education causes much dissatisfaction. Withholding from them participation in School Lands and (June)

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1838. Clergy Reserves felt to be unjust. He asks, also, for share of Jesuits Estates, which were designed for instruction of Indians. Most of these are within limits of Upper Canada and under his charge. p. 444
- July 2. G. Bushe to Petre. *A.L.S.* Asking for certain papers. p. 448
- Montreal, Hôtel Dieu Hospital, July 2. Soeur Les. Devoisy, Supérieure, to Doratt. *Copy. In French.* Since its foundation in 1669, it has maintained itself out of its own funds. p. 450
- Montreal, July 2. A. F. Holmes to Doratt. *Copy.* Giving account of origin and work of Montreal House of Industry, of which he is president. p. 453
- Quebec, July 2. Rev. J. Demers, Supérieur, to Couper. *A.L.S. In French.* Regrets that Governor cannot find time to visit the Quebec Seminary, as all his predecessors have done. Encloses copies of the literary and philosophical exercises of the Seminary. (Enclosures herewith). p. 457
- Marchmont, July 2. Anglican Bishop of Montreal to Durham. *A.L.S.* Suggesting that his several emoluments—£500 as Archdeacon of Quebec, £490 as Rector, and £1,000 as Bishop of Montreal administering Diocese of Quebec—be combined, and that he may receive a round sum of £2,000 a year. Compares his duties and emoluments with those of Roman Catholic Bishop of Quebec. (On margin of letter are comments in Buller's hand, critical and frequently caustic). p. 462
- Quebec, July 2. H. S. Huot to Doratt. *Copy. In French.* Account of the Société d'Education de Québec. p. 473
- July 3. Bushe to Petre. *A.L.S.* Asking for three copies of despatch on Crown Lands. p. 483
- Quebec, July 3. Wm. Burke, President, to Doratt. *Copy.* Report on Quebec Friendly Society. p. 487
- Charlotte-town, July 4. *Copy of The Colonial Herald*, containing conclusion of Young's pamphlet on Escheat question, with remarks on same. p. 491
- Sherbrooke, July 5. C. Whitcher to Hanson. *A.L.S.* Enclosing information in reply to questions addressed to him, respecting Eastern Townships. (Statement enclosed). p. 495
- Lit. & Hist. Soc. Rooms, July 5. William Sheppard to Doratt. *Copy.* Report on Quebec Literary and Historical Society. p. 500
- Trois Rivières, July 5. A. Polette to Doratt. *Copy. In French.* Enclosing report on the Société d'Education des Trois Rivières. (Report enclosed). p. 511
- Prince Edward Island, Registrar's Office, July 6. Certificate of Deputy Registrar that there are no records of original grants of Townships, Nos. 8, 12, 20, 25, 44 and 46. p. 526
- Montreal, July 6. D. Arnoldi to Doratt. *Copy.* Report on German Society of Montreal. p. 527
- Congrégation Notre-Dame, Montreal, July 6. Soeur Ste Madeleine, Supérieure, to Doratt. *Copy. In French.* Report on Congregation de Notre-Dame à Montréal. p. 530
- Surveyor General's Office, Quebec, July 7. Bouchette to Hanson. *L.S.* Respecting a return he was called upon to make. p. 532
- Quebec Library, July 7. F. H. Andrews, Librarian, to Doratt. *Copy.* Report on Quebec Library. p. 534
- Quebec, July 7. W. Bristow to Doratt. *Copy.* Stating that Quebec Constitutional Association is a purely political institution. p. 538
- Quebec July 9. J. Morrin, M.D. to Doratt. *Copy.* Giving certain particulars as to hospital accommodation and needs at Quebec. p. 540

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J. Z. Nault to Doratt. *Copy*. Transmitting copy of resolutions and report adopted at last meeting of Board. p. 545

Enclosure:

Report of Committee on resolution of July 5. No qualifications or terms of study are required in case of students presenting themselves for examination. The Board ask necessary powers either through incorporation or other means. There is no General or Fever Hospital. The Hôtel Dieu besides having very limited accommodation, excludes cases of fever or contagious or infectious diseases. The Marine and Emigrant Hospital is limited to cases indicated by its name. There is no School of Medicine in Quebec. Desirability of having one. p. 546

R. L. Lusher, Superintendent, to Doratt. *Copy*. Report on Wesleyan Missions; pointing out certain unjust discriminations against Wesleyan Methodists in Lower Canada. p. 552

Memorial from Commissioners for improving navigation of St. Lawrence, signed by John McDonald, President. They point out that, after spending £350,000 on this work, they will still require between £40,000 and £50,000 to complete it. In present state of finances of Upper Canada, it is not deemed expedient to issue debentures, and there is likelihood of work being suspended. Asks that sum required be lent from resources of Lower Canada, which has equal interest in canals. It would be repaid when required for completion of canal between Cascades and Coteau du Lac. p. 560

Selina Torrance to Doratt. *Copy*. Report on Montreal Ladies Bible Association. p. 564

Wm. Lunn and others, Commissioners, to Doratt. *Copy*. Report on Commission for relief of sick and destitute emigrants at Montreal. p. 566

Samuel Tubby to Doratt. *Copy*. Report on St. George's Society of Montreal. (Encloses financial statement). p. 569

T. Bouthillier. *A.L.S.* Answers to questions addressed to him by Commission. p. 573

Andrew Russell. Tabular view of state of Townships of Inverness and Ireland. p. 578

W. M. Harvard to Durham. *A.L.S.* Asking when it will be convenient for him to receive an address from the ministers of the Wesleyan Church of Upper Canada. p. 579

Major W. P. Christie to Colonel Napier, Secretary for Indian Affairs. *Copy*. Transmitting report on Indian Farm School at St. John's, with suggestions for improvement of condition of Indians. (No enclosure). p. 582

Abstract from Journals of Assembly of Lower Canada on subject of granting Crown Lands from 1823 to 1836. p. 586

A. F. Holmes, M.D. to Doratt. *Copy*. Report on Natural History Society of Montreal. p. 590

Petition of British inhabitants and others residing in the city and vicinity of Montreal, praying for the abolition by an Ordinance of the Special Council, of the feudal tenure of the Island of Montreal. The petitioners point to the baneful effects of the many dues exacted by the Seminary of St. Sulpice, particularly the lods et ventes or mutation tax on sales. They quote eminent legal opinion as to the illegality of the possessions of the Seminary. Though recognizing no legal right

1838.
Quebec
Medical
Board,
July 9.
July 7.

Montreal,
Wesleyan
Mission
House,
July 9.
Cornwall,
July 10.

Montreal,
July 10.
Montreal,
July 11.

St. James St.,
Montreal,
July 11.
Crown Lands
Office,
July 12.
July 14.

Toronto,
July 16.

Montreal,
July 17.

July 19.

Montreal,
July 20.

Montreal,
July 21.

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1838. in the Seminary to compensation, they express their willingness to pay the mutation fine for one year after this date, but at rate of 5 per cent instead of one-twelfth. p. 605
Another form of same petition extensively signed. (With Addresses).
- L'Original, July 23. C. P. Treadwell to Buller. *A.L.S.* Enclosing a letter from his father, N. H. Treadwell, containing suggestions for settlement. He, himself, has been engaged in opening up country for last 15 years, 9 of which in service of Canada Company. Great importance of establishing Board of Works to superintend public works. Most necessary public work is Ottawa and Lake Huron water way. Its many advantages. p. 618
Enclosure:
- Plattsburg, July 10. N. H. Treadwell to C. P. Treadwell. *A.L.S.* Many practical suggestions for settlement, particularly for country on Ottawa and Gatineau rivers. p. 624
- Quebec, July 25. Rev. J. Cook to Doratt. *Copy.* Report on St. Andrew's School, Quebec. p. 627
- Montreal, July 28. B. Holmes to Doratt. *Copy.* Report on St. Patrick's Society of Montreal. p. 630
- Quebec, July 28. J. B. Frechette, Secretary to Doratt. *Copy. In French.* Report on the Société Bienveillante de Québec. p. 633
- July 28. Draft of letter to Commissioner of Crown Lands. *In Wakefield's hand.* Requesting him to collect all arrears due by purchasers of land from Crown. In his letter to those upon whom demands are made, the Commissioner will explain that Durham has comprehensive scheme for immigration and settlement, and it is essential that there should be strict observance by purchasers of conditions of sale. He is going to refuse application of British American Land Company for variation of conditions of their agreement. p. 637
- July 31. Draft of letter in Wakefield's hand to some person respecting the time for taking his evidence. p. 641
- July 31. Draft of letter in Wakefield's hand, to Bishop of Montreal, stating that it is desired to have his evidence, as Principal of Corporation for managing Clergy Reserves in Lower Canada. p. 644
- July. F. M. David to Doratt. *Copy.* Report on Ladies Benevolent Society of Montreal. p. 648
- L. & E. Commission, July. Draft of letter in Wakefield's hand, to Chief Justice of New Brunswick, stating that his evidence is desired as to justice and expediency of tax upon wild lands, the property of individuals. p. 651
- (July?) Draft of Circular Letter in Hanson's hand, to persons from whom information is desired, respecting land. p. 655
- (July?) Representation of Robert Layfield. In order to explain the workings of the land system in Eastern Townships, he gave a short sketch of his own experiences. Fifteen years previously, he was appointed to superintend settlement of Crown Lands in township of Leeds, Megantic county. He obtained grant of 600 acres and 5 per cent on all lands he located and settled. The township filled up rapidly. His chief obstacles were large lots held by absentees. In course of his work he came into collision with A. W. Cochran, who became a determined enemy. Cochran and Felton opposed system of granting on quit rents. He recounts his trials in political field owing to opposition of these persons. He favored granting free or for small sum, such as £5 per 100 acres. He urges advantages of local land boards in every county. Gives names of absentees who own large part of Townships. Is opposed to Land Companies. p. 658

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- C. W. Montizambert to Hanson. Enclosing letters from M. Gunn on subject of alleged illegal exaction of fees by Crown Land Department at Fredericton. 1838.
Chief
Secretary's
Office,
p. 1 August 1.
- Enclosure.
- Mr. Gunn to Glenelg. *A.L.S.* On subject mentioned. p. 4 Pictou,
July 7.
- M. Gunn to Harvey. Ditto p. 8 Pictou,
May 8.
- T. H. Ryland to Hanson (?) *A.L.S.* Enclosing certain papers for report. (No enclosures). p. 11 Executive
Council
Office,
August 2.
- Bushe to Wakefield. *A.L.S.* Asking for return of despatch No. 35 respecting British American Land Company. p. 13 August 3.
- Henry Wilkes to Doratt. *Copy.* Report on Montreal Auxiliary Bible Society. p. 15 Montreal,
August 3.
- A. Polette to Doratt. *Copy. In French.* Applying for grant of £250 to the Société de l'Éducation des Trois Rivières. p. 19 Trois
Rivières,
August 7.
- E. W. Sewell to Petre. *A.L.S.* Fixing time for his giving evidence before Commission. p. 22 St. Ursule St.,
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- A. C. Buchanan to Hanson. *A.L.S.* Enclosing copies of instructions as regards duties of office to himself and Mr. Patton at Prescott. Emigration
Dept.,
Quebec.
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- Enclosures:
- (1) E. McMahon to Patton. *Copy.* Instructions. p. 28 1832.
Government
House, York,
April 26.
- (2) Colborne to Buchanan. *Copy.* Instructions. p. 33 Toronto,
April.
- J. H. Kerr to Buller. *A.L.S.* Asking on behalf of several French Canadians, who desire to take up land in Gosford township, that vacant land therein be put up to auction, and that regulation requiring cash payment in full may in their cases be dispensed with. p. 40 1838.
Quebec.
August 8.
- Buchanan to Petre. *A.L.S.* Returning copy of his evidence, with a few corrections. Emigrant
Dept.,
Quebec,
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p. 43
- Statement of the Financial and Charitable objects of the Quebec, British and Canadian School, signed by T. A. Stayner, President. Quebec,
August 9.
p. 45
- Copy.*
- S. W. H. Leslie, Secretary, to Doratt. *L.S.* Enclosing copy of report on Quebec Emigrant Society, signed by Joseph Skey, M.D. President. Quebec,
August 10.
p. 50
- Anglican Bishop of Montreal to Durham. *A.L.S.* Thanks for good will expressed in reply to his earlier letter, and for Durham's promise to forward Bishop's application with his recommendation. As to Durham's objections to appointment of Reverend Mr. Mackie to Rectory of Quebec, Bishop urges reasons why Durham might forego these objections. Clergy have prepared address which they desire to present to Durham at his convenience. Montreal,
August 11.
p. 67
- J. Morrin to Doratt. *Copy.* Enclosing statement of admissions, discharges and deaths, which occurred at Marine and Emigrant Hospital; also, financial statement. (Both enclosures herewith). Quebec,
August 11.
p. 75
- Draft of commission, appointing Major Head, assistant commissioner. Quebec,
August 13.
p. 80

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1838.
Quebec.
August 15.
Quebec,
August 15.
Auvergne,
August 15.
Quebec.
August 16.
August 16.
Quebec,
August 18.
Union
Buildings,
Quebec,
August 20.
Quebec,
August 20.
Castle of
St. Louis,
August 20.
Quebec,
July 31.
1837.
Quebec,
June 1.
Quebec,
August 21.
August 23.
- J. H. Kerr. *A.L.S.* List of large proprietors of Township land in Lower Canada. p. 82
- P. Daly, S. L. Surveyor, to Davidson. *A.L.S.* Asking for instructions, in connection with the surveying on which he is engaged in township of Durham. p. 88
- J. Sewell to Petre. *A.L.S.* Returning copy of his examination with corrections. p. 92
- F. W. Primrose to Hanson (?) *A.L.S.* Memorandum on the ordinary conditions of grants of seigniories and money value of Cens et Rentes. p. 94
- Seigniories conceded in Lower Canada—their extent and present proprietors. p. 98
- Rev. E. Sewell to Petre. *A.L.S.* Returning copy of his examination with some charges. p. 116
- Draft of letter in Hanson's hand, asking Mr. Christie to attend the commission. p. 119
- John Davidson to Buller. *A.L.S.* Asking Governor's permission to dispose of licences to cut timber, in usual manner, for current season. p. 120
- Buller to Hanson. *L.S.* Transmitting letter from Wm. McTavish, enclosing memorial and correspondence relating to sale to Duncan Bruce and others of large stretch of Crown Lands in Gaspé in January 1837, and requesting enquiry be made as to question whether sale should be confirmed. Hanson's opinion is asked as to propriety of policy of disposing of such extensive grants to one purchaser. As to the right of the purchaser, that would depend on whether he had such knowledge of the irregularities in connection with the sale as would disentitle him to insist on his claim. p. 123
- Enclosure:
- W. McTavish to Turton. *A.L.S.* Inviting attention to memorial of June 1837 to Colonial Secretary, requesting confirmation of sale in question. Encloses memorial and other papers. p. 125
- Sub-enclosure. *In print.*
- Memorial of Duncan Bruce, Charles Shillitoe, J. D. McIntyre and A. Martin, praying for confirmation of sale mentioned. They set forth that they purchased the tract in good faith, and in accordance with course prescribed by Crown Lands Department, and that, if there were irregularities, they were not aware of them and should not be made to suffer for them. The papers enclosed are copies of the correspondence between the memorialists and the several officers of Government. p. 128
- Petre to Davidson. *Dft. with original draft in Wakefield's hand.* Though the Governor will recommend important modifications in regulations respecting Timber Licences, they could not be operative during current season, and authority is therefore given to continue under present regulations. As it has been observed that there has been much disregard of present regulations, he is requested to take steps to ascertain what precautions are necessary to prevent this non-observance of regulations. p. 153
- Kerr to Wakefield. *A.L.S.* Mr. Sheriff, who is best informed authority on timber, should be consulted. He is of opinion that forests are inexhaustible if proper measures be adopted for their protection. p. 160

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Bouchette to Petre. *A.L.S.* Respecting inaccuracies and incompleteness of Township surveys, on which explanations are desired. 1838.

p. 163
Surveyor
General's
Office,
August 24.
Toronto?
September 5.

Memorandum respecting land grants to militia who served in War of 1812. p. 165

Hanson to Wakefield. *A.L.S.* Reached Toronto to open enquiry on Monday before. Long interview with Arthur, who was civil but jealous of interference with his authority in appointment of commission. Talking with the people along the way he concludes that commission is popular; that tax on holders of wild lands is without efficacy; that present parliament is unpopular; that the charges of irregularities in conduct of last election are well-founded; that Arthur lacks respect of all parties, and is looked upon as weak, undecided man; that all the country wants to make it prosperous is good government; and that official party will fight hard before surrender. p. 169

Hanson to Wakefield. *A.L.S.* Arthur finds many difficulties in Durham's course regarding the commission to Buller; it should have been issued in his own name; Assembly may question validity of commission; law officers and judges pronounced Durham's course unconstitutional; since Casual and Territorial Revenues have been relinquished to Provincial Legislature, Assembly may regard action as breach of this arrangement. It all comes back however to wounded pride, which might be healed by civil letter. Has seen Sullivan who is "a dear fellow" and has sound views. Tories furious at Durham's interference with hanging of the pirates. p. 173

Sr Ste Marie to Doratt. *A.L.S.* In French. Calling attention to sum due them by Government for maintenance of sick and insane. 11 p.m.
Couvent des
Ursulines,
Trois Rivières,
September 7.

p. 177
Quebec,
September 10.

E. Têtu. *A.L.S.* In French. Replies to questions put to him by the Commissioner, respecting the operation of Seigneurial Tenure in Lower Canada. p. 180

Kerr to Wakefield. *A.L.S.* On Militia Claims, which have been sold to speculators and others. He combats Wakefield's view that the purchasers of these claims were not entitled to any consideration from the Government. This view if acted upon would tempt militia men who had parted with the scrip to dishonesty, and would injure them by exposing them to lawsuits on the part of the holders. Many of the holders have given the equivalent, and sometimes more than the equivalent, of the value of the lands. Chief blame for traffic in scrip lies with Government, who took so long converting the scrip into land. p. 190

Instructions to Commissioners of Militia Claims, signed by Buller. *Copy.* Severe reflections upon local executive. All testimony received concurs in establishing conviction that the report of the Commission of Crown Lands and Emigration is a faint description of injury inflicted upon militia men, by the manner in which the intentions of Home Government have been defeated by local executive. The objects of Home Government were settlement of country, and compensation as recognition of services of militia. Results actually obtained in majority of cases, precisely opposite to those Home Government had in view. The official delays and obstacles interposed between militia claimants and their grants, the impossibility in many cases of ever obtaining a grant after most vexatious impediments and delays, the mode of allotting the land so that it was sel-

Quebec,
September 12.

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1838.

dom worth expense and trouble obtaining it, the necessity of employing expert agents who were acquainted with the intricacies of Lands and Surveyor General's Departments all convinced Governor that the public offices alone were to blame for converting what was intended as a boon into a positive injury, and he concurs in Commissioner's Report which says that there has been a maximum of injury to the province with the minimum of benefit to militia men. Governor hopes that his measures, as respects claims yet unsettled, will be means of carrying into effect original intention of grants. Governor expects utmost expedition, consistent with safety, in settling outstanding claims. No claims to be recognized but those of six battalions and others who served for same period and in same manner. It must be explained to all claimants that the orders for the nominal amount of money awarded, will have full value at future sales of Crown Lands and ought to be exchangeable for money at, or nearly at, par. p. 195

September 18.

Sir J. Stuart to Couper. *A.L.S.* Sending copy of report of exploratory expedition to Saguenay. p. 203

Front Street,
September 20.

W. W. Baldwin to Hanson (?). *A.L.S.* Answer to enquiries of Commission. Having never had official intercourse with Land Granting Department, can only relate recollections of past events, as publicly known. After the first 6 or 7 years of existence of province, the only system was the making of money upon issue of patents, the interests of immigrants and settlers seeming but a minor consideration. Simcoe with a view of attracting immigrants offered liberal quantities of land to settlers, seldom less than 200 acres to each. Whole townships of from 40,000 to 60,000 acres were also offered on condition that grantees would bring in a certain number of settlers—60 heads of families to a township. Townships of Markham, Whitby, Hope and Cramahe, and perhaps others were so offered. The experiences of Berczy in Markham related in Baldwin's letter of August 20, are repeated. (See Miscellaneous, Section 6). Grave wrong done not only to Berczy but also to people of townships "for it deprived the settlement of Markham of a man of character, education and rank in society as its head and guide; and the government of a connecting link between itself and the people." The scale of patent fees exhibits a steady ascension. When the township grants were rescinded, fees on 200 acre grant were £5 sterling, and for some time there was no difference in cost for a larger grant, the office work being the same, for survey fees there would be a difference proportionate to quantity of land surveyed. About year 1800, the patent fees on 1,200 acres were, as he remembers, about £13. Four or five years later they were augmented for same quantity to £48 or £50; the fees on 200 acres being £70.10s. There were several other increases until on December 14, 1819, a schedule of fees was published. It was as follows: on grants of 50 acres, there were no fees; of 100 acres £12; on 200 acres £30; on 300 acres £60; on 400 acres £75; on 600 acres £150; and thereafter up to 1,200 acres, 5 shillings an acre. He could not say whether these amounts were consideration of the purchase, or merely fees. Fifty acre grants were known as "pauper grants" and thus discredited, besides being too small for man with family. Some time after, he rather thinks, the plan of sale still in use was adopted, prices varying from \$4 to \$6 an acre. He contrasts system with that applied in the United States, which has been means of settling country rapidly. Account of legislative notice taken of land granting system

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in Upper Canada. The errors of the Land Granting system are as follows: (1) Formation of any reserves, whatever—Since they are statutory, they should have been in large blocks, not in single lots scattered through townships; (2) high fees, high prices, and sale on credit; (3) great delays and expense to applicants; (4) alleged practice in Surveyor's Office of placing fictitious names on maps for purpose of accommodating favorites; (5) departure from policy of granting townships on conditions and mingling this with plan of locating individuals; (6) the obstacle placed by dispersed location to investment of capital, and to desire of settlers for close neighborhood. To ascertain how far resulting evils are susceptible of remedy, statistical statements, on plan he suggests, should be obtained. Annual tax now imposed for improvement of roads should be applied to all lands including those of Canada Company. Rate of land tax should not be increased. Limited opportunities open to owners to sell land. Objections to Provincial Act 7 William IV, c. 118, "An Act to provide for the disposal of the Public Lands in the Province and for other purposes therein mentioned." It remedies none of defects of system, and legalizes that system and in some respects makes things worse by increasing speculation. p. 205

A. Ritchie & Co. *A.L.S.* Petition setting forth that they had purchased an extensive tract of land in Gaspé for lumbering purposes; that, although they had complied with all conditions, and entered upon operations, the sale was disallowed, causing them heavy loss and expense, and asking for relief. p. 230

John Fraser to Buller. *A.L.S.* Enclosing a statement of the improvements in St. Francis district, proposed to be executed by Company at charge of Improvement Fund arising from moiety of their payments for land. p. 234

Enclosure:

Statement mentioned. p. 235

R. B. Sullivan to Hanson. *L.S.* Enclosing certain statements. (No enclosures). p. 244

J. Davidson and T. Bouthillier. *L.S.* Remarks on a petition of 93 heads of families settled on Allumette Island, setting forth that they have dwelt on their properties on the Island, from one to eight years, and that they have endeavored to obtain titles, but so far without effect. It is explained that, until the uncertainty as to whether this and other islands in Ottawa river are in Upper or Lower Canada is cleared up, Land Department cannot proceed to give titles. Matter was referred by Gosford to Colonial Office, but decision has not yet been communicated. p. 247

Enclosure:

Petition mentioned. p. 250

Petre to Sullivan. *Copy.* Stating that a representation has been made by Rowland Wingfield that although he has purchased 320 acres in township of Anderdon, and paid for it in April last he cannot get possession. p. 253

Petre to Sheriff of Home District. *Copy.* Asking for statement of all public sales of land for non-payment of wild land tax. (Similar letter was sent to Sheriffs of Niagara, London, Gore, Ottawa, Eastern, Johnstown, Bathurst, Prince Edward, Midland, Newcastle, and Western Districts). p. 255

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September 27.

Petre to W. W. Baldwin. *Copy*. Asking him to appear for examination. p. 255

September 22
and
September 28.

Extracts from *The Colonial Herald*, containing an account of the proceedings of the Escheat committee, and communications from Mr. LeLacheur and others thereupon. p. 258

Crown
Land Office,
Quebec,
September 29.

Davidson to Buller. *Copy*. Replying to question as to nature of examination made of estimates of British American Land Company for roads, etc., payable out of Improvement Fund, prior to their being submitted for sanction of Governor, he states that since supplementary article of August 6, 1834, the sanction of Governor has been given as matter of course. When original agreement was made, Aylmer, Governor General, gave much attention to estimates, urging construction of certain roads as most generally beneficial. Company appealed to Colonial Secretary, which lead to supplementary article which threw heavy responsibility on local government for delay in case Governor did not accept estimates. Governor declined to accept responsibility of rejecting estimates subject to an appeal to Colonial Secretary, with the consequent long delays, and ceased interfering with estimates. Yearly reports of state of works payable out of Improvement Fund were transmitted to Colonial Secretary for House of Commons. p. 259

Crown
Lands Office,
Toronto,
September 29.

R. B. Sullivan to Petre. *L.S.* Enclosing statement. (No enclosure). p. 264

Sheriff's
Office,
Hamilton.
October 1.

Allan Macdonell to Petre. *A.L.S.* Reporting that no sales of land for land taxes have taken place during his term. Is sending letter to his predecessor Wm. M. Jarvis. p. 266

Prince
Edward
Island,
October 2.

M. M. Fanning to Durham. *L.S.* Defending her father, Lieut. Governor Fanning from imputation of having obstructed Loyalists in their efforts to hold possession of the lands upon which they had settled. p. 269

Tp. of Aber-
cromby,
October 5.

W. Locker to Durham. *A.L.S.* Township not being surveyed, he under orders from Crown Lands Department attempted the ejection of persons settling without warrant. Cannot get assistance of local militia. p. 273

Quebec,
October 8.

J. H. Kerr to Buller. *A.L.S.* Asking at instance of Messrs. Burnet and Jones, that they may have grants applied for on bank of St. Charles in front of their properties. p. 276

Quebec,
October 10.

W. McTavish to Buller. *A.L.S.* Asking for decision in case of sale of lands in Gaspé to D. Bruce and others. p. 278

Quebec,
October 12.

J. Bouchette to Buller. *A.L.S.* Enclosing memorial respecting an account for survey of division line between Seigniorship of La Colle and township of Hemmingford. (No enclosure.) p. 281

Surveyor
General's
Office,
Toronto,
October 16.
Toronto,
October 18.

J. Radenhurst to Hanson. *L.S.* Enclosing number of returns. (No enclosures). p. 283

J. Roaf to Durham. *A.L.S.* Enclosing his evidence on Clergy Reserves; also, an address from the ministers of the Congregational Union. p. 286

Enclosures:

(1) Evidence on Clergy Reserves. p. 289

Toronto,
September 15.

(2) Address of ministers of Congregational Union. *Two copies*. A vigorous plea against "incipient measures" which are being taken for the establishment of Church of England in Canada, and the

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appropriation of the Clergy Reserves to the exclusive use of that body. These should be devoted, in accordance with the wishes of the majority of the people, to purposes of education. p. 292

R. Symes to Doratt. *A.L.S.* Enclosing an appeal signed by Harvey Vachell, on behalf of a number of destitute persons in township of New Ireland. The township was settled by old soldiers who had commuted their pensions. p. 329

Enclosure:

H. Vachell. Appeal on behalf of settlers of New Ireland. p. 331

Draft of letter to Buller in Hanson's hand, respecting salaries of officers in Crown Lands Department. p. 333

C. F. Head, Asst. Commissioner of Crown Lands to Durham. *L.S.* Report of his tour of inspection in Nova Scotia, New Brunswick and Prince Edward Island. Description of causes, which have retarded progress in these provinces—large holdings by absentees, lack of good roads. He strongly recommends system of communication between all the provinces of British North America. p. 337

Buller to Duncan Bruce. *Dft. in Hanson's hand.* Reply to request for confirmation of sale of 66,242 acres of land in Gaspé. This sale was characterized by a scarcely imaginable recklessness of profusion in the alienation of Crown property, and by a deliberate and systematic violation of every regulation framed for the direction of the commissioner. Through every stage of the business there were the marks of duplicity and irregularity. The letter of the local agent requesting authority to make the sale was false in the impression it was designed to convey. It purports to have been written in New Carlisle, whereas it was written in the office and apparently at dictation of Mr. Felton, then Commissioner of Crown Lands at Quebec. The Commissioner then obtained authority from Gosford to sell 35,000 acres in Cox and Hamilton townships, and straightway ordered sale of over 100,000 acres. The price at which it was to be offered was less than one-third of what would have produced from timber licences in same area. Sale was not advertised. Sale was deficient in almost every requisite to validity, but it was by no means a solitary case of the same sort. Durham would have confirmed Gosford's refusal to ratify sale, had it not been that faith of Crown was pledged to any public proceeding of Commissioner. As purchasers were not shown to have been cognizant of irregularities, he had no course open but to confirm sale. (Attached is rough memorandum in Wakefield's hand on several irregularities in conduct of sale.) p. 384

R. I. Routh, C.G. to Petre. *A.L.S.* Replying to enquiry, cannot ascertain number of commuted pensioners who have arrived, but the number paid in Canada accounts is 2,619. p. 396

J. Davidson and T. Bouthillier. *L.S.* Acknowledging letter of October 19, directing completion of sale of Gaspé lands to Bruce and others and enquiring whether it is subject to charge of agency and commission, as it would have been if confirmed in February 1837. p. 397

Buller to Commissioners of Crown Lands. *Copy.* Governor concurs in their suggestion that allowance to militia claimants should be calculated at 3 shillings and 6 pence per acre. Payments on account of sale to Bruce and others to be subject to usual charges. Castle of St. Lewis, October 31. p. 399

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1888.

Heads of bill for commutation of feudal tenures in Seignior of Montreal. p. 401

Notes in Durham's hand on "Wheatley's letter" respecting conditions in India. p. 405

Fragment on advantages of settlement in villages. p. 409

Committee on Emigration consisting of 6 names (in duplicate). p. 411

List of Persons who would give information on the subject of Lands and Militia Claims. p. 413

Petition (on parchment) from the censitaires of parishes of St. Gilles and St. Sylvestre in seignior of St. Gilles setting forth several exactions to which they are subject, and asking for abolition of feudal tenure also, for good roads, and bridges. p. 415

Draft of letter to Bouchette *in Hanson's hand*, on subject of difficulties arising from incomplete and inaccurate survey of township of Durham. p. 424

Marchmont,
November 20.

Anglican Bishop of Montreal to Durham. *L.S.* Report on the state of the Church of England in Upper and Lower Canada. Greatness of field, insufficiency of pastors. Instances of both. He is convinced that dependence on voluntary contributions for support of clergy would fail, even if country were much more advanced. Clergy Reserves the right of Church of England. Presbyterian Church has no valid claim to participate in proceeds. Work of Church among Indians in Upper Canada. His diocese is beyond his powers. Necessity of new diocese in Upper Canada. He should also have some clerical assistance. p. 426

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Rev. C. F. Cazeau, Secretary of Diocese of Quebec to Couper. *A.L.S. In French.* Inviting Lord and Lady Durham to visit the several religious communities in Quebec. p. 449

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Copy of a Bill read a first time only, in the Upper Canada House of Assembly, for re-investing the Clergy Reserves in Her Majesty. p. 451

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March.

Memorial signed by Rector and Committee of Management of Saint Patrick's Church in Quebec, expressing deep regret at Durham's departure; and praying that he may further the claims of the Irish Roman Catholics. (On Parchment). p. 457

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Memorandum of sums of money saved to the public by the Commission. *In Durham's hand.* p. 465

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1837.
January 1.

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Placard, in French. Announcing meeting to discuss recent proceedings in House of Commons respecting Canadian affairs. (With Addresses).

St. John's,
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Table showing mean temperature, as also mean height of barometer in each month from January 1834 to June 1837. p. 184

Durham to Russell Bowlby. *A.L.S.* In reply to enquiries as to his position respecting an election taking place in the Northern Division of the County of Durham. Durham takes the occasion to enunciate his political principles: "I wish to rally as large a portion of the British people as possible, around the existing institutions of the country—the Throne—Lords—Commons—and The Established Church. I do not wish to make new institutions, but to preserve and strengthen the old. Herein lies the difference between me and my opponents. Some would confine the advantages of those institutions to as small a class as possible. I would throw them open to all who had the ability to comprehend them, and the vigor to protect them. Others again would annihilate them for the purpose of forming new ones on fanciful and untried principles. I would, I repeat, preserve them, but increase their efficiency and add to the number of their supporters. I have often stated the modes by which, as I imagine, that efficiency can be most readily produced, but I have ever accompanied those declarations, as I do now, with the announcement of my determination never to force them peremptorily or dogmatically on the consideration of the Government or the Parliament. If they are (as, in my conscience, I believe them to be) useful and salutary measures—for they are based on the most implicit loyalty and good feeling of the people—the course of events, and the experience of every day will remove the objections and prejudices, which may now exist, and ensure their adoption whenever they are recommended by the deliberate and determined voice of public opinion." "It has been my ruling principle throughout my political life, to endeavor to bring all classes, especially the middle and lower, within the pale of the true, not the spurious, constitution. I have ever wished to give the latter an interest in the preservation of privileges, which exclusion would no longer render obnoxious to them—to make them feel that whilst the Crown enjoyed its prerogatives, and the upper classes their honors, they also were invested with privileges most valuable to them, and, moreover, that all, separately and collectively, rested on the common basis of National utility." p. 186

Lambton
Castle,
August 27.

Durham to Ellice. *A.L. Initialed.* Stating that he is not going to Canada, and has nothing to do with settlement of "that unfortunate question." Melbourne expressed opinion that he had, above all men he knew, the requisite qualities for arranging it. But Durham held out no hopes and matter dropped. If he had felt it possible to undertake it, Ellice would have been consulted. (Ellice had evidently taken offence at not being informed of Melbourne's overture, which he had heard from some other quarter). p. 191

7 Kings'
Bench Walk,
Inner Temple,
September 15.

Turton to Durham. *A.L.S.* Hopes Durham is not going abroad, as he hopes for his assistance. Some people at Worcester want him to help to oust the sitting member, and stand himself for the constituency. Asks that Durham write him a private letter which he could make use of in constituency. He has become converted to the

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Ballot, otherwise his politics have undergone no change since "I drew for your bill in 1819 (which, tho' I say it, was a much better Reform than what we have got)".

Durham to ———. A.L. In French. Personal.

p. 195

p. 199

Lambton
Castle,
September 17.
December 28.

Extract from letter from A. Ferguson. Rancorous violence of both parties puts them much on a par. *Habitants* by their breach of allegiance have forfeited all exclusive privileges. He would leave them with nothing but religious privileges and Church lands; would abolish French laws, tenures, and the use of their language in courts. Upper Canada resembled a man who did not feel altogether right, and yet did not know what ailed him. Mackenzie made use of this sense of dissatisfaction for his own purposes. The rebellion is the "happiest event" that could have occurred, since, if severity and leniency be prudently tempered, it will secure peace and confidence for ever. Head allowed Government to be more taken by surprise than it ought to have been. He is a good governor, but "is sufficiently well-satisfied with himself and rather elated by the high compliments from home." Head's action in sending away the troops showed "in the most triumphant manner what we could do for ourselves." Incidents during suppression of rebellion.

p. 202

R. Gillespie to ———. A.L.S. Urging correspondent to use influence with Government when they are concerting measures for government of Lower Canada. Hopes it is realized the French Canadians were prepared to revolt. Colborne's measures alone prevented disaster to English-speaking people. Also hopes that Government will place control in hands of those determined to maintain British connexion. Has scheme ready which he will produce.

1838.
York Place,
January 3.

John Martin Hanchett. R.N. A.L.S. "Projèt for establishing in the Canadas a Royal Lake Flotilla".

p. 212

January 17.

Phillips & Tiplady to Durham. Offering passage in London and New York Line of Packet Ships.

p. 215

3 George
Yards,
January 17.
January 19.

Samuel Hinds to Durham. L.S. His views on Colonial administration. Recent Liberal movement in England has affected colonies profoundly; they are demanding representation in Parliament. For reasons given, direct representation impracticable for moment; likewise, as regards the proposition to allow Colonial representatives to have seat and voice in House, but no vote. Scheme favoured is a Colonial Board, composed of Colonial representatives with Colonial Secretary as chairman and other ministers ex-officio members. Though advisory only, such Board would have great influence over Colonial representations. Discussion of objections to such Board.

p. 216

Rev. James Matheson to Hedworth Lambton. M.P. A.L.S. Giving views as result of visit to Canada. Convinced that, though misled, the mass of *habitants* are loyal. Most effective means of securing them would be providing system of education. Rolph and Bidwell whom he met had become friends of his. His distress at accounts from Canada. Rolph holds Durham in high esteem. Importance of settling Maine Boundary dispute, which he learned in Maine. Durham would have gratifying reception in United States. Religious dissensions in Upper Canada—all denominations, even Episcopalians, object to Government supporting one denomination. His views on settlement of question given in report by himself and Dr. Reed in 1834. Personal matters.

p. 234

Wolver-
hampton,
January 20.

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1838.
14 George St.,
Adelphi,
January 22.

S. Derbyshire to Durham. *A.L.S.* Expressing desire to have employment in Canada. Refers Durham to Mr. Easthope of *Morning Chronicle*. His services as correspondent in Spain gave him some military experience. Is barrister of seven years' standing. Is fully employed in London, but seeking wider field. (Derbyshire letters—separately bound).

George Street,
Adelphi,
January 23.

Derbyshire to Durham. *A.L.S.* Expressing thanks for the manner of acknowledgment of his letter. (Derbyshire letters—separately bound).

Bath,
January 30.
Madrid,
January 31.

Henry Atkinson to Durham. *A.L.S.* Some advice. p. 241

Sir G. Villiers to Palmerston. *Copy*. Opinion of American Minister at Madrid favorable to Durham's mission. It will give satisfaction in United States, where they will be pleased to see civilian appointed. He considers general amnesty desirable. Importance of not making exceptions of ringleaders. Necessity of prompt action, owing to difficulty United States would have in controlling border population. His plan for settling Maine Boundary. p. 245

Bill for suspension of Legislature of Lower Canada, as established by 31 Geo. III. c. 31 and revival that part of Quebec Act, which provides for enactment of laws; and for election of deputies from Upper and Lower Canada to advise Governor General as to improvement of constitution and for better government of country. The calling of this convention to be at discretion of Governor General. p. 256

London,
February 1.

Durham to Count Nesselrode. *Copy*. His acceptance of mission to Canada. It is great sacrifice, undertaken only in view of imminent urgency of case, and of desire of Sovereign. He is gratified by extent to which his appointment has elicited approbation, even of political opponents. Personal matters. p. 271

Whitfield,
February 1.

W. H. Ord to Durham. *A.L.S.* Personal. p. 275

Horse Guards,
February 5.

Sir J. W. Gordon, Quarter Master General to Durham. *A.L.S.* Stating that Charles Grey informs him that he has declined appointment of Military Secretary to Durham on ground that 71st is not to go to Canada. Thinks there is a mistake as to regiment's movements. p. 278

No. 20 Bland-
ford Street.
Portman
Square,
February 12.

F. P. Devereux to Durham. *A.L.S.* Misconceptions in England as to disposition of Canadians, as witness Lord Mansfield's speech of February 8. French Canadians not attached to France (breach caused by Revolution), nor are they fond of American institutions. Upper Canadians also averse from these institutions. Americans coming to Canada accept British citizenship heartily. Confidence in Durham's mission. p. 280

Montreal,
February 18.

(Names of sender and addressee missing). Calling attention of commercial houses to disadvantage resulting from prevalence of French laws in Lower Canada. p. 284

February 20.

Devereux to Durham. Letter No. 3. *A.L.S.* Continuing letter of February 12. High importance of Durham's mission. Necessity that reforms should be effected with good will of people. Lord John Russell and Glenelg entirely in error in supposing people of Lower Canada are insistent upon representative institutions. Apart from politicians, they hold Assembly in contempt. Plan proposed by Government of advisory committee chosen by election to assist Durham in framing constitution as absurd as committee of ten Orangemen and ten O'Connellites to settle affairs in Ireland. Real trouble in Lower Canada to be found in the "Coutume de Paris" and the

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power it gives to professional classes to interfere in affairs of *habitants*. Quotes Colonel Talbot as showing estimation in which Assembly is held in Upper Canada. He believes people in both Provinces could be induced to petition for total suppression of representative government, and for direct government by Governor and Council. If properly managed, there would be attained, step by step, abolition of assemblies, union of Upper and Lower Canada, and finally consolidation. p. 288

Sir J. W. Gordon to Durham. *A.L.S.* Sending some papers of interest to Durham, which he asks to have returned. p. 299

Sir James Kempt to Durham. *A.L.S.* As to proper pay for Colonel Couper. p. 300

Petition signed by A. Stewart, J. Jones Jr. and 12 others. *Copy.* Representing the grievances suffered by English speaking people in Lower Canada, owing to composition of Assembly, and praying for union of the two Provinces. p. 303

Palmerston to Durham. *A.L.S.* Introducing Capt. Campbell of 7th Hussars. p. 309

The Emperor of Russia to Durham. *Copy. In French.* Appreciation of his acceptance of mission. p. 312

(Robt. Gillespie) to Durham. *Unsigned.* Enclosing extracts of letters from Quebec and Montreal. p. 315

Enclosures:

Extracts from a letter of February 7 from Quebec; and two from Montreal of February 9, all condemning Gosford for fraternizing with disaffected French Canadians. p. 317

Nath. Gould to Durham. *A.L.S.* Enclosing Canadian papers, and drawing attention to resolutions in Upper Canadian Legislature respecting Clergy Reserves and Union of two Provinces. The resolutions on former question will facilitate arrangements for separate bishopric in Upper Canada; those on union, while favoring union of all provinces or annexation of Montreal to Upper Canada, are not definitely opposed to union of two provinces. p. 323

L. H. Lafontaine to J. Parkes, 21 Great George Street. *A.L.S. In French.* Does not approve of Molesworth's motion, not out of sympathy for Whigs, but for fear of Tories and their attitude towards Canada. Fears accession of Tories would lead to Durham's supersession. Has great hopes from Durham mission. Discussions in House would indicate more sympathy for negroes than for French Canadians. Hopes Durham will go out soon. p. 326

John V. Nugent to Durham. *A.L.S.* Thanks on behalf of Newfoundland delegation for interest manifested in their affairs. p. 330

N. E. Radiger to Durham. *A.L.S.* Is an advocate of 20 years' standing in Montreal, and acquainted with both parties. He concludes that expectations of Constitutionalists are as unreasonable as pretensions of French Canadians are extravagant, and hopes Durham will not be seduced into same difficulties as his predecessors. Would welcome an interview. p. 332

H. Bulwer to Durham. *A.L.S.* Respecting copies of some papers desired by Durham. French politics and society. p. 338

L. H. Lafontaine to E. Ellice. *A.L.S. In French.* Suspension of legislature in Lower Canada seemed to him unjust and tyrannical, but has great hopes from Durham. Feared effect of Molesworth motion might be to let in Tories with measures of vengeance—per-

Horse Guards,
February 20.

South Street,
February 21.

Quebec,
February 24.

Stanhope
Street,
February 25.

St. Petersburg,
February 26.

York Place,
Portman
Square,
March 9.

4 Tavistock
Square,
March 10.

Paris,
March 10.

32 Craven St.,
March 10.

14 Newport St.,
South Sea,
March 11.

Paris,
March 13.

Paris,
March 13.

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haps retention of Colborne whom French Canadians regard with abhorrence. Observes that Whigs and Tories accuse each other for causes of discontents since 1828. Constitution of Legislative Council most important question. Experience of 40 years has demonstrated that it should be composed on elective principle, but the immediate application was not held to be *sine qua non*. Gosford's neglect to notice Lafontaine's amendment to that effect probably led to suspension. If Gosford had reformed Legislative Council in accordance with instructions from Glenelg, the Assembly would have proceeded with business. This Council has in his opinion been destroyed. Notes Russell's opinion on this point. Believes reform of Council principal object of Durham's mission. Hopes he will convoke Assembly. But first measure should be general amnesty. Has great hopes, but Durham must keep officials' at arm's length, excepting Daly. Hears agents are coming from both parties in Canada, but this was decided before news of Durham's appointment was known. He is leaving for Canada about middle of April, and may return to London, even at risk of arrest for high treason. p. 342

Horse Guards,
March 23.

Sir J. W. Gordon to Durham. A.L.S. Private. Giving information respecting leave of absence to officers of Guards. p. 348

London,
March 24.

N. C. Radiger to Durham. A.L.S. Acknowledging letters of March 21. Gives his views on situation in Canada and as to best measures for settling difficulties. Condemnation of the extravagances of the Constitutionalists. He points out that the number of those actively disaffected is not more than 3,000 in population of half a million, and that prisoners implicated in rebellion only 237. Had the population risen en masse, it would have taken much greater effort to subdue them. French Canadians are "naturally a peaceful, quiet and happy race, but from their extreme ignorance are liable to be influenced for good or evil." Desirability of taking advantage of opportunity for bringing into effect measures which "will ultimately constitute the Canadas a British Colony in the fullest acceptance of the term." Seigniorial system should be gradually replaced by system of Free and Common Socage; and Registry offices should be established. Testimony to the virtuous activities of Roman Catholic Clergy. Three schemes under discussion: (1) Annexation of Island of Montreal to Upper Canada; (2) Union of two Canadas; (3) Union of all the Provinces. The first would be favored by English population of Montreal, for several reasons; the second seems desirable to writer. In the event of its being affected, he suggests redistribution of counties and property qualification for members to raise standard of legislature. He, also, suggests that members of Legislative Council should be required, as a qualification, to hold a certain amount of real estate in country. English should be official language of legislature and courts—with former immediately, in the latter at a more distant date. Recommends Bytown as seat of government. Objections to union of all the provinces. If two provinces were united, provision should be made for comprehensive Civil List and retention by Crown of Territorial and other Crown Revenues, until equivalent provided by province. On subject of Clergy Reserves, although an Episcopalian, and convinced of legal right of Church of England to reserves, he is of opinion that, considering the several denominations in the country, Church of England should not occupy preferred position and that revenues from Reserves should be divided among the several religious

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bodies. Desirability of making such moderate changes of liberal character in constitution, as would not endanger British connection.

p. 350

E. L. Bulwer to Durham. *A.L.S.* Recommending Mr. Lardner a military surgeon for appointment in Canada.

p. 382

D. Macfarlan to Durham. *A.L.S.* Thanks for promise to consider interests of Scotch settlers in Canada, and introduction of Rev. Dr. Mathieson of Montreal.

p. 384

John Arrowsmith to Durham. *A.L.S.* Respecting maps of Canada, New Brunswick, Prince Edward Island, and United States, which are ready to be sent to him.

p. 386

Wm. Rowan, Civil Secretary to Persons to be appointed to Special Council. *Copy.* Under authority of act to make temporary provision for government of Lower Canada, the Administrator will appoint temporary Special Council to meet about April 14. Asks whether person addressed will act as member. Commission to Administrator will be superseded by Commission and Instructions to Durham.

p. 389

Mrs. Anne Mary Perceval to Durham. *A.L.S.* Documents collected and notes made on Canadian affairs by Mr. Perceval destroyed before his death. Will endeavor to furnish such information as she can.

p. 393

Enclosure:

"Some elucidative facts on the Canadian Grievances."

(In Mrs. Perceval's hand). Troubles traced back to Governor Craig's administration. Caldwell's defalcation. Distribution of patronage. Obnoxious jury system. Mistake of Government in neglecting Debartzch. A list of seigniors with notes upon each.

p. 394

J. H. Pelly to Durham. *L.S.* Presenting copy of his map of North America, and making explanation regarding the colouring of several portions. Bearer is Governor Simpson, who can supply any information desired. Enclosing copy of letter and claim of Great Britain to country watered by Columbia River and tributaries.

p. 405

Enclosure:

Governor Pelly to Palmerston. *Copy.* Calling attention to action of United States Congress in authorizing the erection of a fort at outlet of Willamet River and the taking possession of country west of Rocky Mountains and north of Latitude 43°.

p. 408

G. Moffatt and W. Badgley to Durham. *L.S.* Statement of the grievances of British inhabitants in Lower Canada. Details set forth in instructions to J. Neilson and William Walker, who went as delegates to London in 1835. The grievances and requirements are classed, under, first, those from which the whole province suffers, and, second, those specially affecting British population. The first class are: (1) Want of firm and consistent government; (2) need of settling financial difficulties and of adequate and permanent Civil List; (3) condition of Legislative and Executive Councils; (4) independence of judiciary, and improvement of judicial system; (5) system of elementary education, maintained by contribution of inhabitants; (6) improvement of navigation of St. Lawrence. Under second head are: Fair representation of British inhabitants in legislature; (2) registration of encumbrances on real estate; (3) abolition of Feudal Tenure, particularly on Island of Montreal; (4) institu-

Hudson's Bay
House,
April 5.

London,
April 5.

8 Charles St.,
March 26.

55 Jermyn St.,
March 27.

35 Essex St.,
March 30.

Government
House,
Montreal,
March 31.

15 Stratford
Place,
March 31.

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tions for higher education for British section; (5) incorporation of Quebec and Montreal; (6) reform of law for summoning juries; (7) evils of temporary legislation. Paramount necessity is legislative union of Upper and Lower Canada. Various advantages to be anticipated therefrom. Upper Canada not unwilling. Observations on each of the grievances set forth. To assure efficiency of judiciary, Court of Impeachment necessary. Navigation of St. Lawrence should be under Imperial control. p. 414

April 9.

A. Gugy. Address to the Constituency of the County of Sherbrooke. *In print*. p. 437

New York,
April 10.

Lord Gosford to Durham. *A.L.S.* Introducing Mr. Irvine. p. 438

4 Blomfield St.,
Finsbury,
April 12.

J. I. Freeman to G. P. Bushe. *A.L.S.* Asking for opportunity of presenting memorial of Aborigines Protection Society. p. 439

Woolwich,
April 14.

Alex. Gordon to Duke of Richmond. *A.L.S.* "Memo. on Canada." Inhabitants of Lower Canada are "the best peasantry which any Sovereign can be possessed of"; they are "innately good," attached to country, religion and laws. The number misled by agitators very small in proportion to whole. Educational standard very low; many members of Assembly extremely illiterate. Priesthood well educated, and deserving of much credit. Laws very defective. Particulars given. Encouragement should be given to sons of gentlemen to enter army and navy. Seigniorial tenures should be commuted. Landed proprietors should be called to Legislative Council and given Provincial rank of Baron or Knight. Coinage of two provinces should be assimilated. p. 440

York Place,
Portman
Square,
April 17.

Robt. Gillespie to Durham. *A.L.S.* Enclosing Canadian newspapers, indicating great satisfaction given to British inhabitants by Durham's appointment. p. 450

(No enclosures).

9 Somerset St.,
Portman
Square,
April 17.
Paris,
April 17.

G. Moffatt to Durham. *L.S.* Submitting supplementary details respecting Legislative Council and Representation of Lower Canada; also, three bills prepared by the delegates. (No enclosures). p. 451

Lafontaine to Ellice. *A.L.S. In French.* French Canadians being British subjects should be treated as such; at present are treated as inferiors. Harmony could be established between the two races, though there are extremists on both sides. Let favoritism cease, and establish government, liberal but firm. If Durham will take advantage of opportunity, and remake the administration from the base up, he will succeed. An aristocracy is impossible in Canada, nor can Canadians escape influence of neighbors to the south. p. 454

Chelsea,
April 18.

W. R. Hamilton to Durham. *A.L.S.* Respecting a selection of books made by him for Durham, including a selection of Greek and Latin classics for the Quebec Literary and Historical Society. p. 458

London,
April 19.

Ellice to Lafontaine. *Copy.* Answering letter of 17th. He will advocate no system that establishes anything but equality between races. Government must be strong enough to ensure this. As to remaking the constitution, how is this to be done? By thrusting aside all those on both sides who have taken part in public affairs, and taking in new untried men? There would be no guarantee that the latter are more to be trusted than the others. The motion of aristocracy is ridiculous. Observes that Upper Canada would accept union on terms that would assure its ascendancy. Is utterly opposed to the ascendancy of either province. p. 461

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Gillespie to Durham. *A.L.S.* Enclosing extracts from two letters, one from Toronto, the other from Montreal, on conditions in Canada. p. 465

1838.
York Place,
Portman
Square,
April 19.

Enclosures:

Extracts mentioned.

p. 466

Sir John Caldwell to Sir Henry Harvey. *Extract.* Observations on the advantages of the proposed line of road between Cacoon and Lake Temiscouata. p. 474

Great Falls,
April 20.

W. R. Hamilton to Durham. *A.L.S.* Enclosing list of Greek and Latin classics which he has ordered for Durham. p. 482

Chelsea,
April 20.

"Heads of Objections to a Federative Union of the Provinces of British North America." Endorsed "For Lord Durham. Papers sent by Messrs. Stewart, Badgley, Moffatt, &c., in London"). p. 486

London,
April 20.

A. Stevenson, U.S. Minister to Durham. *A.L.S.* Enclosing letters of introduction to prominent persons in United States. p. 493

23 Portland
Place,
April 10.

"Veritas" to Durham. *A.L.S.* Expressing regret that Durham has selected Mr. Ellice as a member of his staff. His father is the leader of those, who have brought disaster to administration of last two governors. He should avoid connection with any of the Canadian merchants. Only possible chance of success lies in administration by persons unconnected with and unknown to country. p. 495

London,
April 23.

H. W. Ryland to Colonel Couper. *A.L.S.* His infirmity will prevent him from attending on Durham as Clerk of the Council as he has on every governor for 45 years. His son, Assistant Clerk, quite equal to duties. p. 497

Beauport,
May 10.

John Ostell to Couper. *A.L.S.* Submitting plans for outbuildings, etc., at Mr. Bingham's house. (Endorsed, "May 12—Requested he would proceed no further in this matter without instructions to do so). p. 500

Montreal,
May 10.

Edward Harper, G. S. to Durham. *A.L.S.* Enclosing warrant for his appointment as Provincial Deputy Grand Master for Northumberland and Berwick upon Tweed. p. 504

Free Mason's
Hall, London,
May 15.

Derbshire to Durham. *A.L.S.* Report of observations made at Durham's instance. He left London on March 12, reached New York April 20, and Montreal near end of April. French Canadians very cautious and reserved. He sought information from every quarter. In New York met Mackenzie, Rolph and O'Callaghan in Montreal, D. B. Viger, who gave him several letters of introduction. So far he had failed to find material grievance. *Habitants* until rebellion had an enviable lot. "They knew not the sight of a tax-gatherer. Their imposts in the shape of rent were exceedingly light; and every man could obtain land in small or large quantities or in addition to that which he possessed. . . . From the soil he could rear every article of necessary consumption—the linen, woollens and leather even, of which the clothing of this race were made were all the untaxed produce of the country and for the most part spun and loomed in the homestead of the farmer or cotter. In his religion, the French Catholic of Canada has enjoyed perfect freedom, the Catholic and Protestant contributing funds towards the erection of each other's ecclesiastical edifices, and the state of opinion and the laws so perfectly harmonising as to religious toleration that there has never so far as I can learn been a ruffle to disturb the peace of society upon the score of a difference in creed. The freedom of person, of political opinion, and of the Press have been secured to the *habitant* by equal laws

Quebec,
May 24.

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impartially administered." Language of Roebuck, Rolph, Mackenzie, O'Callaghan and Viger affords corroborative proof. Roebuck dwelt on incongruity of monarchical institutions with American soil, the official exclusive class, desire for local courts, and the yearning for republican institutions. Mackenzie held somewhat similar language. Rolph more secretive, but observed desire in both Canadas for separation from Great Britain. O'Callaghan maintained Papineau wanted no more than carrying out of principles of British constitution and that there had been no rebellion, but merely resistance to execution of warrants on false charges of treason. Viger very timid; lawlessness and spirit of revenge have prevented him from leaving house for several months. Disorders of volunteers, particularly about St. Benoit. Instances given. Losses of *habitants* estimated by them at £85,000. Viger becoming more relaxed maintained that Canadians were not disaffected to British Crown. It was no more than "une rébellion à la justice, an opposition to the process of the Courts." They had proved their loyalty and saved Canada to Great Britain. English were liked, Scotch were not on account of their haughty, overbearing manners, and Irish for their irregularities, violence and bad faith. Derbyshire had other evidence of dislike of Scotch. Account of conversation with driver of caleche. Belief of French Canadians in Papineau. Speculation as to Papineau's whereabouts. His driver told him his countrymen did not like Americans and only wanted to enjoy rights secured by capitulations and treaty of Paris. *Habitants* are sluggish race, light-hearted, vain, innocent and virtuous. Papineau once observed "Our people do not want English capital nor English people here; they have no ambition beyond their present possessions, and never want to go beyond the sound of their own Church Bells." They are sensitive to rumors of policy to abolish their laws and language and to Anglicize them, and so are susceptible to propaganda of revolutionary leaders, seconded by violent utterances of British party. Lack of education attributed by driver to Legislative Council. He thought more money should be spent on roads and less on judges. The ignorance of *habitant* makes him an easy dupe to political leaders. Conversations with Rev. Mr. Benon, Curé of St. Scholastique, and Rev. Mr. Du Charme, Curé of Ste Thérèse, the latter very loyal, and Rev. Mr. Desèves, Curé of St. Eustache. Durham's arrival is regarded with much anxiety by both parties, French Canadians speculating hopefully, the Constitutionalists gloomily.

The latter talk of rebellion if he disappoints them; quotes article from *Montreal Herald*. Violence of this party against French Canadians almost passes belief. The *Canadian* advocates return of Papineau, who will follow O'Connell's methods. (Derbyshire letters—separately bound).

W. Wilson, M.D. to Durham. *A.L.S.* Urging Durham to cultivate close relations with the Roman Catholic clergy. He is persuaded that the calamity which assailed province was averted chiefly by influence of that clergy. Papineau alienated them from himself by including in his list of reforms a great curtailment, if not overthrow, of Church. Durham should enlist the assistance of clergy, and go so far as to place "in their hands on trust for an indefinite period, the elective franchise in the Seigniories." A new arrangement of counties should be made, by which the representation would be more nearly equalized. As between the retrograde Canadians and pro-

Lennoxville,
May 29.

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gressive British there is no point of contact, except in the common loyalty of British and of Roman Catholic clergy. 1838.
p. 506

Donald Æ. MacDonell, M.L.A. for Stormont to Durham. *A.L.S.* Is anxious to be of assistance. Is a U. E. Loyalist. Entered Assembly in 1834 as opponent of administration of Head, but on outbreak of rebellion resumed his command in the militia. Urges Durham not to act precipitately, or to be too much influenced by those whose loyalty is combined with desire for place. Interference of judges in elections of which he gives instance. St. Andrews,
Tp. Cornwall,
Co. Stormont,
May 31.
p. 510

List of Durham's Family and Suite. p. 518 May.

Turton to Durham. *A.L.S.* Arrival of LaFontaine at Montreal Saturday morning. Turton did not see him. Warrant against him lost. p. 520

General Observations on Composition of the Special Council. May?
p. 522

The Special Council—Names of Members—Remarks. p. 536 Quebec,
May 14.

Members of the Special Council—their residence—profession—property qualification. p. 560

Report on Upper Canada by R. B. Sullivan, President of the Council, to Arthur. (Bound separately). Crown
Lands Office,
June 1.

E. H. Bowen to Rowan. *A.L.S.* Giving information obtained from the Warden of the Disputed Territory as to the aggressive measures of the Maine authorities in the territory in dispute between New Brunswick and Maine. Quebec,
June 2.
p. 564

P. D. Debartzch to Buller. *A.L.S. In French.* Acknowledging letter announcing suspension of Executive Council. Approves of measure. Prepared to support Durham in every way. In response to invitation to express his views on remedies, he says that the elements of which society in Lower Canada is composed tends to augment historic conflicts. Experience has shown that "the application of constitutional government to the country has had the effect of sustaining among us national hatred, which otherwise would be almost extinct at present." Has thought much over proposition of confederating all British provinces, and cannot see why it should not succeed first as a remedy for the existing evils, and then as the best administrative system for this part of America. The government of such an union should be strong enough to bring about great changes in the institutions of all the provinces, so as to achieve a harmony of political rights. It should be able to protect the parts from the attempts of wicked and turbulent persons. St. Ours,
June 2.
p. 571

F. X. Bedard to Durham. *A.L.S.* Memorial in French. Stating that his practice as a lawyer has been ruined by a bill lately passed for the summary trial of certain cases, and asking for assistance. Quebec,
June 3.
p. 575

J. Baillargeon and others. Giving testimonial to Madame Charles Verret. June 4.
p. 579

Rev. D. H. Têtu. Giving similar testimonial. p. 580 May 26.

Sir F. B. Head to Durham. *A.L.S.* Recommending Major Anstruther to his good offices. Athenaeum,
London,
June 6.
p. 581

Buller to M. Leblanc de Marconnais. *Dft.* Thanks for letter of May 29, and expressions of appreciation of the "good intentions & fairness" of "Populaire." Castle of
St. Lewis,
June 6.
p. 583

Notes by Mr. Henry on proposed changes in constitution of Lower Canada. (1) That members of Assembly should be subject Undated.

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to property qualification; (2) that no public officer should be suspended except on address of two Houses, or dismissed except by judicial decision; (3) that the Legislative Council be constituted a Court of Impeachments; (4) that judges hold office *quam diu se bene gesserint*, and have pensions on retirement, and that the Court of Appeal be composed of retired judges, which would also be the court of criminal jurisdiction; (5) that the electors of towns and villages should not vote in counties, unless they have separate property in counties; that, if members are to be paid, it should be by taxes from their constituencies; that Acts 1 & 2 Wm. IV respecting revenue collected under 14 G. III be repealed; (6) that the members who voted against motion of A. Stuart on August 25, 1837, and all who took part in rebellion should be ineligible to vote for or sit in Assembly; (7) that the nature of the contingencies of the Assembly should be determined; (8) that no agent should be employed for the province, except by Act of Legislature; (9) that the Governor should have power, in certain cases, to suspend Habeas Corpus and proclaim Martial Law; (10) that no public political meeting be held except by authority of two magistrates; (11) that the commissions of all public officers who failed in their duty in the late troubles be cancelled; (12) that the press be put under regulations; (13) that qualifications for Assembly should include a minimum of 30 years of age; (14) that evidence given before Assembly should be on oath, and subject to penalties for perjury; (15) that, in the selection of a speaker, the Assembly should present three names to Governor, or, if present practice be continued, the Assembly should be required to select another candidate, if the one presented were objectionable to Governor. On the back of memorandum is a note: "Some of these worthy of attention," and another by Buller: "But the whole is in bad spirit of a narrow-minded man, proposing arbitrary repression of popular power." p. 586

June 7.

Turton to Durham. A.L.S. Tendering his resignation, on account of letters received from Melbourne and Glenelg. Idea of his accompanying Durham to Canada, originated neither with Durham nor himself. It was the suggestion of one of the members of the Administration. In a pecuniary point of view, his coming to Canada was unprofitable, and unless he had decided to go to India in 1839, it would have been out of his power to come to Canada. His decision to come was determined by promises from a quarter that precluded the anticipation that the appointment would be objected to, by Ministers. It is only since his appointment that objection was raised. He will not consent to embarrass Durham by seeming to be forced on an unwilling Ministry. p. 589

Friday,
June 8.

James Stuart to Turton. A.L.S. On the subject of a Rural Police system. Strong condemnation of existing system for administration of justice. Different regulations required for Townships and Seigniories. For the former the Upper Canadian system is recommended, and it would be the best for the Seigniories, but it would require training of the people. p. 596

Montreal,
June 8.
June 9.

Thomas Horan, applying for situation as Land Surveyor. p. 600

Darnse,
June 10.

Queries by Durham as to his powers as respects the Lieutenant Governors, and appointments; and answers by Turton. Copy. p. 602

A. Gagy to Couper. L.S. Suggestions to Durham. He has gained the enmity of extremists on both sides through lack of

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sympathy with their views. His object is to call attention of Government to feasibility of forming a party for itself. Hitherto governors have applied themselves to gaining the favor of one or other of present parties, oscillating, according to disposition, between the extremists both of which are too exclusive to afford any hope. His view is that a party can be formed for the government based on principles which will ensure to all classes a just influence over public matters. He has seen at the vice-regal court a competition of servility, that curse of colonies, fostered and encouraged. French Canadians, with insignificant exceptions, may be divided into four classes: one-fourth were actively rebellious; another fourth disloyal, though passive, but willing to join others if shown prospect of success; the remaining half is loyal, though passive. This class includes nearly all the clergy, and most men of hereditary property. It can be moved into active exertion on behalf of government, and this is the business of the wise administrator. On its success depends the prospect of retaining the colonies for another quarter of a century. p. 605

Address of the Quebec Literary & Historical Society congratulating him on his arrival, and asking him to be their patron. p. 612

Turton to Durham. A.L.S. On question whether Boucherville, a young man of 23 or 24, who was active among the Sons of Liberty, should be released as he himself would recommend, or be detained in gaol until the last, as recommended by Attorney General. p. 616

Derbshire to Buller. A.L.S. Enclosing resolutions adopted at meeting of Constitutionalists in Montreal, and giving some account of the speeches. Has been admonishing *Gazette* people to be loyal to Durham. His scoldings of British party. p. 616

Enclosure:

Resolutions of gratitude to Queen for sending Durham to Canada, and pledge of support to him. (Derbshire letters—separately bound).

Turton to Wakefield. A.L.S. Respecting a commission in course of preparation. p. 618

Derbshire to Buller. A.L.S. Sending copy of address. Account of Conversation with Mr. Weir of *Herald*. Encloses copy of *Courier* with report of meeting, which he furnished. This has greatly pleased French Canadians. (Derbshire letters—separately bound). p. 618

Perrault & Scott to Couper. L.S. Asking permission, on behalf of magistrates, to open a drain in face of rock outside of Hope Gate to continue sewer from Hope Street. p. 619

H. Jessopp, Collector and Charles J. Stewart, Acting Controller to Durham. A.L.S. Enclosing accounts of Provincial Revenue for quarter ended April 5, and continued until May 1; also, account of incidents for same period as required by Provincial Act 35 Geo. 3, c. 9. (No enclosure). p. 621

A. Best to J. W. Parkins. A.L.S. Earlier relations with Durham. Anxious to come to Canada, and get a grant of land near Toronto. p. 623

Lieut. Col. J. R. Wright to Capt. Elrington, Aide-de-Camp. No objection to opening drain to continue Hope Street sewer, but some expense may arise to check overflow. p. 626

Francis E. Loch to Turton. A.L.S. A note of compliment to Durham. p. 627

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Quebec,
June 11.

June 13.

Montreal,
June 13.

June 14.

Friday,
(June 15.)Office of
Clerk of Peace,
Quebec,
June 15.Custom's,
Quebec,
June 18.Newark,
June 19.R.E. Office,
Quebec,
June 21.H.M.S.
"Hastings,"
Off Cape Chat,
June 21.

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Séminaire
de Québec,
June 21.
Montreal,
June 21.

Rev. Mr. Quiblier to Couper. *A.L.S. In French.* Asking for interview for himself and Bishop MacDonell with Durham. p. 630

Buller to Durham. *A.L.S.* Arrived in Montreal evening before. Received from Simpson a letter from prisoners. It is not satisfactory, in that it is not a formal confession of moral or legal guilt, but rather "a highflying acknowledgment of heroism & patriotism." It will serve as a base, however, for an effort to obtain a paper containing the sort of formal acknowledgment required, either through Simpson or by an official letter. Has seen Gerrard, McGill and Moffatt, the leaders of the British party. Gerrard and McGill are not for severity: banishment would be sufficient in their view. Moffatt did not express his views, but he intimated confidence in Durham. Had a most satisfactory talk with the three on general policy. Is convinced that if registry offices be given, feudal tenures abolished especially in Island of Montreal, and measures taken to improve internal communications, Durham can do what he will with British party. Hopes to conclude bargain with Seminary. p. 631

St. Eustache,
June 22.

F. E. Globensky to J. Walcott, Provincial Secretary. *A.L.S. In French.* Respecting a claim of Benjamin Guérin for land on account of militia service. p. 639

Lionville, Pa.,
June 22.

Aaron Vickers to Durham. *A.L.S.* Is writing a book entitled "Wonders of Imagination or Travels of Roselin Mont" and wants Durham's autobiography. p. 641

Montreal,
(June 25.)

Buller to Durham. *A.L.S.* Report of his proceedings. Spent his time mostly with English party. McGill and Pothier, both of much influence, approve of treating petition as confession of guilt, and banishing parties. Moffatt approved reluctantly, but expressed wish murderers might be tried by Special Commission. Danger would be that murderers would have chance of getting off as rebels. Is convinced that banishment would satisfy English party who do not desire execution of political prisoners. If tried by Jury, prisoners would certainly be acquitted, which would have disastrous effect, destroying good effects of Durham's lenity. Durham need apprehend little criticism from British party. Except Moffatt, "a stern, proud man," they will court Durham's favor, and look anxiously for reforms Durham proposes. Repeats disastrous consequences of acquittal of prisoners; fatal to Durham's mission; lenity would no longer be attributed to generosity; their imprisonment would be regarded as additional grievance; British party would be alienated. Regrets that prisoner's statement was not a more explicit confession. Is trying to get more satisfactory statement. General readiness of people seen to co-operate with Durham. Seigniorship of Montreal question can be easily settled; other reforms will be well received. L'Huissier's escape due to great carelessness; he cannot find out where. Later in day, letter from prisoners brought in by Simpson; quite satisfactory. Personal matters. p. 643

Toronto,
June 26.

Observations on the Canadas by James FitzGibbon. *A.L.S.* Opposed to union of Upper Canada with Lower Canada. Suggestions as to securing her advantages of seaport at Montreal. Many loyalists more opposed to union with Lower Canada, than with United States. Disastrous results of removing capital from Toronto. Suggestions for defence of province. Lower Canada should be governed for some years by Governor and Council. If England does not decide on a settled policy designed to retain the provinces, she should nego-

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tiate with United States to turn them over to that country. Dangers to British Empire from acquisition by United States of all North America. 1838.
p. 659

W. Kennedy to Durham. *A.L.S.* Benefits to Empire from success of steamships. British steamers will call regularly at Halifax. Albion Hotel,
Quebec,
June 26.

J. Bell Forsyth to Couper. *A.L.S.* Asking Durham to be the patron of and subscriber to an Orphan Asylum. p. 669
Cataraqui,
June 26.

Lord Gosford to Durham. *A.L.S.* Introducing Madame Selby. p. 672
London,
June 27.

J. P. Collins to Rodk. McLellan. *A.L.S.* Replying to petition of 23rd. Law Officers of Crown cannot be employed to defend rights of private individuals. p. 674
Secretary's
Office,
June 27.

J. Easthope, M.P., to Mr. Parker (J. Parker, M.P.?). Enquiry as to whether Government intend to withhold support from Durham, and try to appease "Tory resentment and Radical discontent." p. 677
1837,
June 27.

Lord Gosford to Durham. *A.L.S.* Introducing Doctor Barber, editor of the *Montreal Courier*, which is distinguished among other Montreal papers for its advocacy of equal rights and justice to all classes, and a merciful line of conduct to misguided *habitants*. p. 679
1838.
London,
June 30.

Descriptive notes on the signers of a certain petition. p. 682
June?

E. J. Stanley to Durham. *A.L.S.* Parliamentary and social news. Anticipation of trouble over Turton and Wakefield. Coronation and incidents connected with it. Brougham and Lyndhurst combining forces to embarrass Government. Wellington out of favor with party. p. 686
London,
June 30.

Memo. giving particulars of various officials in Canada, for Durham's guidance. p. 690
June.

"Observations on the State of Parties immediately or remotely dangerous to the existing connection between the North American colonies and Great Britain." *Unsigned*. The writer was brought up in the Township of Dunham, and educated for the Church of England by the Rev. C. Stewart, afterwards Bishop of Quebec. He did not take orders, but taught school, first in the Talbot Settlement, and afterwards in Hamilton. Throwing himself into opposition to Sir Allan McNab, he felt obliged to resign his school, and spent a year studying conditions in Upper Canada. On the expiration of that period, he resumed his profession as teacher, in the Eastern Townships. The conclusions he reached, after a survey of parties in Lower Canada were, that it was impossible to carry on Government by a popular House of Assembly, until the province should contain a majority of English inhabitants; this can be accomplished only by emigration and Anglification; that the ad-interim government should be framed in contemplation of a return to popular elections; that the members of the Assembly should be appointed by the Governor, and invested with the powers of the former House; that the Upper House should be remodelled in a manner to ensure more energy, efficiency and unanimity. Plan of scheme for education in the province. p. 702
(June)?

Markland to Durham. (Unsigned but endorsed, from Mr. Markland.) His views as to settlement of affairs. Extreme difficulty, if not impossibility, of any proper settlement that would be satisfactory to French Canadian. But some salutary measure has become necessary to Upper Canada. The public enterprise in developing resources has led to expenditure far beyond means of province. p. 706
Upper Canada
(undated).

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debt has been contracted of nearly £1,400,000, and there will be an anticipated annual deficit of £40,000. The remedies proposed have been: (a) Direct taxation; (b) confederation of all the provinces; (c) annexation of Montreal, and legislative union of Upper and Lower Canada. Direct taxation would be almost universally opposed. Confederation is grand in appearance, and "one sees it mentally afar off, as if hereafter some mighty destiny would be connected with its fate." But it is open to the objections of separation by long distances; lack of common interests, which are now looked after by Imperial Government; and discontent due to participation by uninformed legislators in affairs of each province. The advantages of annexation of Montreal to Upper Canada are obvious, but there are serious drawbacks: the dissatisfaction of French Canadians transferred to Upper Canada, and of British population left in Lower Canada; the settlement of proportion of revenue collected in Lower Canada, which was due to Upper Canada, would still be necessary, with Lower Canada the claimant, instead of Upper Canada; smuggling from Lower Canada into Upper Canada would arise, if the duties collected in Upper Canada were higher than those charged in Lower Canada, as would almost certainly be the case; the whole expenditure for completion of St. Lawrence canal system would fall upon Upper Canada, already overburdened. The many benefits that would accrue from union of Upper and Lower Canada make it the most desirable proposition, but the French Canadians would certainly throw their weight against it. There is the danger often adverted to, that under union the French Canadians in Assembly might join with minority from Upper Canada and block useful legislation. This is real danger as in present mood nothing would be satisfactory to French Canadians that does not tend towards republicanism. To effect union coercion must be resorted to, and the problem is, how the greatest good can be achieved with the least aggravation to French Canadians. The constitution of 1791 has proved a great success in Upper Canada, and has totally failed in Lower Canada. Upper Canada does not like union except under modifications but is prepared to accept it in interests of Empire. Lower Canada, torn by dissensions, should be required to co-operate in a suitable measure to bring about peace. Union would mean completion of public works, Upper Canada has not means to finish, and consequent encouragement to enterprise in country. The scheme of Constitutional Society of Lower Canada should receive consideration. Discussion of and opinion adverse to proposition to retain Executive Governments of each province with alternative legislative session in each province. Upper Canada makes only one stipulation, viz. that the capital should be in that province. Reasons: distance, which would affect members and applicants for land and others doing business with Government: desirability of making French Canadians acquainted with English institutions. Capital should be in some central place of sufficient strength to afford protection to Departmental papers, and to legislators in course of duty.

p. 721

Frontenac,
July.

J. Marks, M.P.P. to Durham. Stating that it was intended that a deputation of members of Upper Canada should wait on Durham to present their views on Union of the two Canadas, but this being found impracticable, a memorial was drawn up, which is herewith, containing his and other opinions. Deprecates annexation of Island of Montreal to Upper Canada, as unfair to Lower Canada.

p. 741

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Enclosure:

Memorial. Union essential to prosperity of Upper Canada. In 1838.
order to produce British feeling throughout country, law courts of Frontenac,
Lower Canada must be altered, and, within definite time, French Code May.
abolished. French Canadians must be fully protected in religious
rights and personal property, but they must be, by degrees, Anglicized
and changed so as to think, feel and act like British subjects. "They
have no idea of British thoughts or British feeling." The change
necessary can only be effected by changing the laws and institutions
of Lower Canada from French to English. Nothing has been done in
this direction since 1759. Benefits of union to both provinces. Raise
revenue of united provinces, by taxes on luxuries and other articles so
as to avoid direct taxation. Develop navigation, and trade would pass
along those routes, and that with United States could be checked.
Provisions for defence by utilization of inland waterways. p. 745

Itinerary of Durham on his visit to Upper Canada; and list of
those making up the party. p. 753 July.

John Moir to Edward Ellice, Jr. A.L.S. Applying for an ap- Toronto,
pointment. p. 757 July 1.

Memorial of certain inhabitants, praying for relief from Seigni- De Ramsay,
orial and Church dues, and for better land regulations. p. 760 July 2.

T. A. Stayner to Couper. A.L.S. Enclosing a memorial on the General
state of the roads on mail route between Quebec and Maritime Pro- Post Office,
vinces. p. 764 Quebec,
July 3.

Enclosure:

Memorial from Stayner, endorsed by Sir John Harvey. p. 766

James Buchanan, Consul General to Durham. A.L.S. Private. Toronto,
Being in Toronto, has become convinced, "that unless Your Lord- July 6.
ship without a day's delay interpose, the Province will ere long be
lost to the Empire, and in the meantime alone retained by the
sword." Has overwhelming evidence, but unless Durham will assume
government of Upper Canada, persons with information will not
disclose it, as they would be subjecting themselves to annoyance.
He himself is absolutely disinterested, and friendly to leaders on
both sides. Willing to sustain his views before Durham, or at bar
of Parliament. Situation very critical; writer persuaded that all
depends on Durham. p. 772

Enclosures:

Buchanan to Arthur. *Extract.* Warning that if present office January 30.
holders in the two provinces are allowed to continue control of affairs,
nothing that can be done will allay discontent. p. 776

Buchanan to Arthur. *Extract.* To same effect. p. 777 May 2.

Buchanan to Durham. A.L.S. Private. Account of interview Toronto,
he had with Arthur, who denied that the so-called dominant party July 7.
interfered with his measures. Buchanan refused to give names of
gentlemen, with whom he conversed, but gives them to Durham.
p. 781

Adam Thom to Durham. A.L.S. High hopes aroused by Dur- Montreal,
ham's statement of end he has in view: making Lower Canada a July 8.
truly British Province. Cannot agree as to necessity of means, that
is, a union comprehending all the provinces or of Upper and Lower
Canada alone. Durham's "vigorous and judicious policy, when con-
firmed and perpetuated by Imperial Parliament, will leave undecided
hardly one question of purely local interest." The Civil List, settle-
ment of Crown Lands, and improvement of navigation of St. Lawrence

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are politically Imperial questions, to be regulated by Imperial Parliament, or by local legislatures under Imperial control. p. 784

London,
July 9.

J. Easthope, M.P. to Durham. *A.L.S.* Sending out this letter by Duncombe (M.P.) who will give him the news. Hopes of Tories that mission may prove failure, and that Durham may return with task uncompleted. Expects Turton will relieve him from embarrassment. p. 791

Markham,
July 9.

Andrew Scott to Durham. *A.L.S.* On state of Upper Canada. Much discontent, a chief cause of which is the Clergy Reserves question. Scottish clergy entitled to share equally with Anglican clergy. Humiliation of Scottish settlers in being obliged to obtain license to marry from Quarter Session. Hagerman an enemy of Scottish settlers. Conviction is general that British Government desires to deal fairly with all classes, but desires are thwarted by Provincial Government. Hagerman's dismissal would be very popular. p. 798

Montreal,
July 9.

J. White to Durham. *A.L.S.* Expressing regret at appearance in transactions of Quebec Literary & Historical Society of two articles censuring Durham for his course respecting state prisoners. p. 803

Kingston,
July 12.
July 13.

R. T. Atcheson to Durham. *A.L.S.* Offering his services. p. 807

T. E. M. T. (Turton) to T. A. Young. *Copy.* Respecting the violation of several of the Rules and Regulations of the Magistrates. p. 811

New York,
July 13.

Buchanan to Durham. *A.L.S.* Private. Enclosing copy of letter written by him to Arthur. p. 814

Enclosure:

New York,
July 12.

Buchanan to Arthur. *Copy. L.S.* Recalls conversation he had with Arthur: Arthur believed Buchanan's opinion would have influence, but that he was wrong in condemnation of Family Compact; that to set them aside was to run a risk, any Governor ought to avoid; that, from his conversation with Bidwell, in Albany, he was convinced Bidwell was worthy of no favor, that all he had spoken with had approved his measures; and that he hoped to settle the Clergy Reserve question satisfactorily. Buchanan, for his part, sees no hope of retaining province, since Arthur is determined to uphold Family Compact. In his interview with Durham, the latter said he read every word of his letter and agreed with him in all his views. When Arthur asked him the names of the gentlemen, who had expressed alarm at conditions in Upper Canada, he refused to give them when he saw Arthur sustaining the Family Compact. He had mentioned two names, one of them Robert Baldwin; both of them called on Arthur, but both were rebuffed. He had the highest esteem for Robinson, Strachan and the Attorney General, but they had too long guided the destiny and dispensed the patronage of the province. Notwithstanding opposition of persons and Assembly, they have gone their way, regardless of instructions from Colonial Office. He would ask Arthur whether any person not of that party has access to him. As an instance of discrimination, Colborne told him that the Irish had mainly contributed to the saving of the province, and that the Roman Catholics had done nobly. Notwithstanding this fact, although there were some 700 Roman Catholics in and about Hamilton, Sir Allan McNab had not promoted one of them. As for Bidwell, he would not have been treated as he was either in England or by Durham. Arthur

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is entreated to distinguish between disaffection and disloyalty. Thousands are disaffected who are not disloyal. In England, the disaffected exert themselves to effect a change of ministry. If Durham continues to act as he has done in Quebec, clearing all off, he will soon evoke a spirit of loyalty. The course adopted on the Niagara Frontier is only suited to Germany. 1838.

G. Moffatt to Colborne. *A.L.S.* Private. Discussion of Durham's plan. On previous Monday, Durham orally explained the outline of the measure to several gentlemen selected by Mr. McGill. While persuaded of Durham's desire to promote the happiness and prosperity of the Colonies, he is not a convert to Durham's ideas. He believes in reunion of Upper and Lower Canada, with some amendments, but without any fundamental change in system provided in Act of 1791. Durham's prevailing idea is that the troubles were due to the constitution and not to its administration particularly on the part of the Colonial Office. Reform should begin there, and, farther back, in the influences which the Minister finds it necessary to conciliate in the two Houses of Parliament. Interference with Maritime Provinces unnecessary. Several persons he has conversed with agree that if a general scheme of confederation is adopted, it would have a better chance without local assemblies than with them. This view is, also, applicable to the union of the two Canadas. p. 816

Henry Sherwood to Durham. *A.L.S.* Necessity of consolidating debt of £1,100,000, and providing means for payment of interest. Debt incurred for works of public utility—Welland Canal, and improvement of St. Lawrence. An act was passed by Legislature authorizing loan of £1,000,000 at 3 per cent leaving the selling of the debentures to control of Home Government; and the Government in England was asked to authorize an additional duty on articles imported through Quebec, to meet interest. Durham asked to lend his assistance to this scheme. p. 829

James Jones to Durham. *A.L.S.* Recommending elective Legislative Council, and free pardon to exiles. p. 837

Printed notice to public officers, to attend at Queen's Wharf on July 18, to receive Durham. p. 844

Announcement in *Upper Canada Gazette*, that Lord Durham will hold a reception in the Legislative Council Chamber on Wednesday, July 18. p. 848

Order of Procession upon Arrival of Lord Durham in Toronto. p. 850

John Elliot to Durham. *A.L.S.* On causes of disaffection: (1) Irresponsible Executive; (2) arrogant pretensions of Legislative Council; (3) Clergy Reserves; (4) maladministration of Land Granting Department; (5) defects in Election laws, whereby elections are held at places inconvenient to the majority, to serve interests of few; (6) Jury laws, which enable Sheriffs to pack juries; (7) the rapid increase of Orangeism. Attention called to Head's statement that part of the community was allowed to make preparation for revolt, to test loyalty of other; and to sanguinary punishments inflicted. Contrast between the Reform Government in England, and Colonial Government with its horde of office holders. He implores mercy for the repentant rebels. p. 851

Wm. Woodruff to Durham. *A.L.S.* As a Radical, he describes the difficulties with which that party had to contend in efforts to p. 852

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secure redress of grievances, owing to overriding influence of dominant party in executive government. Iniquity of Land Company in raising prices to emigrants. Clergy Reserves. Disaffection of large numbers who defended country in War of 1812. He has doubts as to suitability of Responsible Government, owing to responsibility of Governor to Sovereign. Suggests elective Legislative Council. Faulty judicial arrangements. Appointments to office all in hands of Family Compact. Country losing many good citizens. Undue attention given by Government to Short Hills affair. p. 859

Toronto,
July 19.

A. J. Williamson to Durham. *A.L.S.* Presenting a volume, and stating his necessities. p. 865

London,
July 20.

"Veritas" to Durham. *A.L.S.* Enclosing two long rambling letters to Melbourne, in which he describes and denounces the machinations of parties in England with reference to affairs in Canada. p. 867

Hamilton,
July 20.

A. Crookshank to Durham. *A.L.S.* Acknowledging letter in answer to his of June 9, respecting some legal abuse not directly mentioned. Advises repeal of act making an American incompetent to purchase land in Canada, or to give good title to purchaser from him. Shows how it has been evaded. Legislative Council should be reformed, not by taking nominations from Crown, but by the more equitable exercise of the power. Provincial Parliament should have been dissolved on death of King, but it passed an act giving it life for four years, notwithstanding demise of King. This has destroyed confidence in it. p. 885

Steamer
"Brockville,"
July 20.

James Morris to Couper. *A.L.S.* Delegation desires to present address to Durham from people of Brockville. p. 889

Montreal,
July 20.

W. Ellice to Couper? Arrangements for Durham's tour to Eastern Townships. p. 892

Toronto,
July 23.

John Smyth, L.L.D. A poem of welcome to Durham. p. 896

Montreal,
July 23.

List of persons arrested by Montreal new Police between June 27 and July 23. p. 897

Niagara,
July 24.

Buller to Hanson. *A.L.S.* Stating that he hears curious complaints of frauds in connection with land. Asks if Hanson knows anything of them. p. 905

Niagara,
Monday.

Buller to Durham. *A.L.S.* Is detained by illness. Notes that mass of people are against Government which he describes as "a petty, corrupt, insolent Tory clique" of the kind found in English close boroughs. Durham is most popular with mass of people, but the Tories rage against him. Durham's proposing health of U.S. President is spoken of as high treason. He also gave offence in Toronto by speaking against Orangeism. Trouble may be anticipated from Tories. "This feeble Arthur is a mere tool in the hands of clever domineering jobbers of the old Tory class." The stopping of jobbery in Crown Lands will be death to Family Compact. It is this party which will furnish determined opposition to plan for federal union. Durham has charmed Americans. A private meeting was held at Buffalo, to contrive a mark of respect for him. p. 907

Niagara,
July 24.

R. F. Gourlay to Durham. *A.L.S.* Disappointment at not seeing Durham. Had come from Ohio on purpose. p. 914

New York,
July 24.

Buchanan to Durham. *A.L.S.* Submitting a measure to tranquillize Upper Canada. The measure was to appoint a commission composed of a member of Durham's staff, Mr. Black, Judge of Court of Admiralty at Quebec, and Hon. Robt. Neilson, formerly a member of the Executive Council at Trinidad, now in Upper Canada, with

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himself as secretary: the committee to be directed to examine all acts of government since Head became lieutenant governor. Some account of his own activities. 1838.
p. 917

Adam Fergusson to Durham. *A.L.S.* Regrets having failed to meet Durham, to whom his name was mentioned by friends in England. As regards Upper Canada, little cause for complaint in material points, though some things perhaps require explanation. Holds himself at Durham's service. Fergus,
July 26.
p. 924

Buchanan to Couper. *A.L.S.* Is at a loss to know what information is desired as to contract with Mr. Comstock, but sending such as occurs to him as useful. Disappointment in Upper Canada that no person had access to Durham, but such as passed through Arthur's hands. "There is a noble population in Upper Canada." Greatly improved feeling in United States towards Canada as a result of Durham's measures. Strong anti-British editor announces change of views at dinner. Mayor and aldermen of New York also expressed warmest feelings for England. British
Consulate,
New York,
July 28.
p. 929

E. J. Stanley to Durham. *A.L.S.* Has just seen *Gazette* containing names of Special Council. It is very proper that it should contain his own staff. Questions may be raised as to his powers in disposing of prisoners, but if he had the power, his manner of dealing with difficulty is the best. Preserving malignity with which determination to persecute Turton and Wakefield is carried on. British politics. July 28.
p. 933

Colonel Grey to Couper. *A.L.S.* Enclosing letter from Poinsett, Secretary at War, introducing Major General Patterson, who is visiting Canada with view of acquiring further military knowledge. Montreal,
July 29.
p. 941

Enclosure:

J. R. Poinsett to Grey. *L.S.* Letter of introduction to Major General Patterson. Washington,
July 4.
p. 943

C. Secretan, Jr., to Durham. *A.L.S.* Applying for situation. Quebec,
July 30.
p. 946

"Veritas" to Durham. *A.L.S.* Enclosing two very lengthy communications described as parts 3 and 4 of the letter begun on April 28. The papers give what purports to be an account of the events which took place in Lower Canada, ascribing the unfortunate occurrences principally to the machinations of the merchants. London,
July 30.
p. 949

E. J. Stanley to Durham. *A.L.S.* Account of discussion the night before on Durham's Proclamation. Brougham attacked it fiercely. Ellenborough declared it to be illegal, as there could not have been 5 members in the Special Council, which passed it. Glenelg only said that he would be prepared to defend proceedings at proper time and would produce papers. An attack in House of Commons gave Lord John Russell opportunity to express approbation of what had been done, and to condemn the misrepresentation of the Opposition. Opinion seems to be that there is nothing in Brougham's attack, but that Durham exceeded his powers in sending prisoners to Bermuda. Parties interested in Canadas approve of Durham's course. Confidence that Durham will not be deterred by the "unfairness, misrepresentation, spite and dishonesty" of the attacks from doing what he thinks best for the object he has in view. House of
Commons,
July 31.
p. 963

J. Richardson to Durham. *A.L.S.* Furnishing list of deputations on Feudal Tenure, which will show the description of persons from whom an indirect threat of opposition has proceeded. Criticizes Melbourne's remarks on Turton's appointment. Montreal,
July 31.
p. 971

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New York,
July 31.

Buchanan to Couper. *A.L.S.* Private. Learns of enthusiastic praise for Durham and Countess Durham, from Americans on Niagara Frontier. They say he has done more than an army could do to remove hostile feeling; but they look for the same contemptuous bearing and reproaches from the Provincial authorities as they have been accustomed to. Surprise expressed that Durham did not interpose on behalf of Bidwell. This would have gained him great credit with legal profession and other eminent persons. p. 973

Undated,

Municipal
Comm. Office,
July (?).

C. R. Ogden, Attorney General, to Durham. *A.L.S.* Declining offer of Chief Justiceship of District of Montreal. p. 977

W. Kennedy to Durham. *A.L.S.* Hearty approval of Proclamation on all sides. Toronto delegation warm in eulogy of Governor. p. 981

Paper entitled "Rumoured Policy of the Earl of Durham." Apparently a letter to a newspaper based on an article of July 25, in the *Cobourg Star*. The article is an attack on Durham's supposed plan, and the paper is a criticism of the article. p. 984

Memorandum on Court of Appeals as constituted by Durham. p. 994

Beauharnois,
Friday,
(July)

Edward Ellice to Couper. *A.L.S.* As to route Durham and his party should take to reach Beauharnois. Separate addresses will be presented by British and French Canadians, the former refusing to mention the amnesty. Enthusiastic welcome awaiting Durham in Townships. p. 996

VOLUME II

Toronto,
August 1.

W. W. Baldwin to Durham. *A.L.S.* A letter of 43 foolscap pages, dealing with the causes of the discontents in Upper Canada, and stating what he conceived to be the remedies. He wrote with reluctance as he wished to remain withdrawn from politics. He sets forth 21 distinct grievances from which the people suffer, or think they suffer: (1) Reservation of Crown Reserves; (2) Reserves for Clergy; (3) the modes of land granting; (4) exclusive claims of Church of England to Clergy Reserve; (5) contrast between progress in neighboring State and torpor in Upper Canada; (6) Canada Land Company monopoly; (7) Executive interference in elections; (8) jealousy of Executive against settlers from United States; (9) lack of control on part of representatives of people over Provincial Revenues; (10) management of School Lands and Education; (11) Jury laws; (12) retention of Sheriffs in spite of popular complaints; (13) character of many Justices of Peace; (14) late dissolution of Assembly, holding majority of Reformers; (15) lavish expenditure on public works; (16) neglect of roads; (17) rejection by Legislative Council of measures passed several times by Assembly; (18) disregard shown to addresses from Assembly; (19) encouragement given to Orange Societies; (20) appointment of unfit persons as Returning Officers; and (21) diminution of powers of Executive Council as described in Constitutional Act of 1791.

In a discussion of the many causes of discontent, the writer divides them into three general heads: (1) Those which historically and politically considered by the most prudent part of the Reformers, influenced and directed their conduct for many years in their search for remedies; (2) those more obvious grounds of dissatisfaction, which produced

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irritation among the masses; (3) those complaints whether real or imaginary which led a group of Whigs and Tories indiscriminately to condemn both Constitutional Reformers and rebels, and to fasten upon the Family Compact as the source of all the political evils of Upper Canada. ^{1838.}

As an important instance of the first class, he dwells upon the course of legislation regarding the granting of land. The Act of 1791 makes provision for an aristocracy. Whether or not Parliament had the Seigneurial System in mind is immaterial. It seems to have been a wisely designed plan. Simcoe acting on the plan made some large grants of townships of from 40,000 to 60,000 acres on condition that the grantee should settle a certain number of people. Markham township was granted to Mr. Berezy, and 60 heads of families were to be settled in it. The grantee to be at the expense of removing the families and providing for their wants in food and implements for which he was to be reimbursed by the settlers. The usual lot was 200 acres, and the price was about 5 shillings an acre. Besides the township system, grants were made to individuals of from 200 to 1,200 acres. All promised well. Township proprietors answered in a measure to seigniors. They would sell lots, and build mills and roads, and act as guides to their settlers. Several townships had been granted, two at least had their quota of settlers, when Government rescinded orders as to township grants. In Markham, Berezy was ruined, after spending \$60,000. Government explanation was that township system led to speculation; and that grantees did not fulfil engagements. Popular belief was that change was due to desire of land-granting officers to increase fees, as fees on patent of 60,000 acres were no more than on patent of 200 acres; also, that Executive Council were apprehensive of influence of territorial aristocracy. Thus was sown seed of enduring democracy, which was strengthened by act forced through by Government for taxation of waste lands of private owners. Canada Company with system of absentee landlords great evil to country. Government in spite of provision of Constitutional Act that lands should be granted in free and common soccage, reserved one-seventh which it let out on lease. The evils of Crown and Clergy Reserves. Feeble effort of Assembly to correct evil in 1805-6. Protest against Clergy Reserves in Assembly. Narrative of course pursued. Augmentations of fees and of price of land bore hardly on poor emigrant. Selling land on credit very objectionable. United States tried and abandoned practice. Price of land in United States from 75 cents to \$1.25 an acre while in Upper Canada it is from \$2 to \$4 an acre. General regulations in United States superior to those in Upper Canada. Waste of public revenues through scramble of members to get appropriations for own constituencies, which led to log rolling bargains among them. Result is that province is sinking into debt, while primary needs such as roads and schools are disregarded. War losses, Welland and other canals, and harbours, carried through legislature by members ruining province. Legislative Council fails in its duty as check on members' inconsiderate votes. With a responsible Executive having influence in Assembly, such a scramble could not take place. Government interference in last election leading cause of insurrection. Desirability of ballot. Successful attempts of Government to secure favorable assembly. As to complaints against Family Compact, Reformers did not in general object to it, but to its measures. It was but recently that a party was formed specifically

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to oppose Family Compact. Reformers could not consistently and did not find fault with it, while majority of Assembly supported its views. They did not ask their dismissal until Assembly voted no confidence in Executive and stopped supplies. High hopes of Reformers founded on appointment of Dunn, Rolph and R. Baldwin, dashed by discovery that no change of measures could be effected. Resentment caused by dismissal of first popular Executive Council. Contrast between this and practice in England brought to people's attention. His own suggestions to Durham are: (1) Introduction of English principle of responsible executive; (2) Legislative Council to be left as it is, with a few more popular men in it; though there is much to be said for elective principle as applied to Council; (3) prevention of interference of Judiciary in elections; (4) Elections to be protected from undue influence. Expression of gratitude for clemency shown to rebels in Lower Canada, and of hope that example may be followed in Upper Canada. p. 1

Montreal,
August 2.

Buller to Durham. *A.L.S.* Health completely restored. Intends to take up bill for Seminary of Montreal. Time propitious; violent British chastened by Durham's rebuke for terms of their address; priests frightened by these people's violence. Meeting of ultra-British complete failure. Irish took offence at attacks on Seminary; meeting closed in disorder. Sending this letter by Mr. Seaton, editor of *National Intelligencer*, organ of Whig party. Mr. Carter, who accompanies him, was in Congress. p. 45

Montreal,
August 2.

Buller to Couper. *A.L.S.* Introducing Mr. Seaton and Mr. Carter. p. 49

Prescott,
August 2.

Felix Huston to Capt. Daniel. *A.L.S.* Personal matter. p. 52

Montreal,
August 3.

John Cosner (?) to Lady Durham. *A.L.S.* Asking permission to dedicate a book to her. p. 56

Baltimore,
August 7.

Louis McLane to Durham. *A.L.S.* Respecting courtesies for Reverdy Johnson, who may visit Quebec. p. 59

New York,
August 8.

Buchanan to Turton. *A.L.S.* Confidential. Encloses a letter from W. W. Baldwin, whom he describes as having with R. Baldwin in greatest degree the confidence of the British population in Upper Canada. Buchanan's daughter is married to son of Baldwin. His own success with Lord Londonderry in Ireland 40 years ago. Arthur's helplessness in hands of Family Compact. R. Baldwin, who could do more to allay discontent than any other man or body of men, will not again push himself forward. The commission he proposed would expose conditions. p. 62

Enclosure:

Toronto,
July 26.

W. W. Baldwin to Buchanan. *A.L.S.* Account of long interview he and R. Baldwin had with Durham. Latter will meet with no difficulties from Reformers, but old party fear any change disturbing source of power. Durham does not mean to interfere with Arthur, and hopes for his co-operation, but Baldwin cannot see how "those trammels which entangle every governor's hands and feet shall drop off Sir George Arthur." p. 66

August 8.

A Bill, presented by Lord Brougham, for declaring the true intent and meaning of "An act to make temporary Provision for the Government of Lower Canada"; and for indemnifying those who have issued or acted under a certain Ordinance made under colour of the said Act. p. 70

No. 1.
Laval St.,
August 9.

J. W. LeLacheur to Durham. *A.L.S.* Has come from Prince Edward Island as representative of agricultural interests to seek

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interview. General statement of grievous position of people, of which he desires to produce evidence. 1838.
p. 73

J. FitzGibbon to Durham. *A.L.S.* Contradicting several important statements made by Sir Francis Head in a memorandum of May 21 addressed to Glenelg, and strongly criticising Head's conduct towards the insurrection. Toronto,
August 10.
p. 76

W. Phillips and others to Durham. *A.L.S.* Explaining and justifying the course they pursued when called out to defend the province, and asking that fines imposed on them be remitted. Adelaide,
August 12.
p. 86

J. Easthope, M.P., to Durham. *A.L.S.* Regret at treatment of Durham by friends and enemies. Indignation of O'Connell at conduct of both parties. Encloses letter from friend of himself and Parker. (No enclosure). Liverpool,
August 13.
p. 90

Extract from letter unsigned and unaddressed strongly criticising Melbourne's conduct towards Durham. August 16.
p. 94

Adam Thom to Durham. *A.L.S.* On plan for union of provinces. Advises against having the central legislature elected by the local legislatures, and in favor of having them elected directly by the people. Suggests propriety of treating, as a separate measure, that part of plan, which looks to abolition of local Legislative Councils. Public Offices,
Place d'Armes,
August 17.
p. 98

B. J. Tenney, Secretary to Durham. *A.L.S.* Announcement of Durham's appointment as honorary member of University Institute. University
of Vermont,
Burlington,
August 20.
p. 102

Rowan to Montizambert. *A.L.S.* No regulation exists by which Commander of Forces could render relief to Brogden and Naacké, but Governor General might recommend their cases to Colonial Secretary. August 22.
p. 104

Buchanan to Durham. *A.L.S.* Respecting arrangements for handling mail passing between Canada and Great Britain via New York. British
Consulate,
New York,
August 22.
p. 107

Durham to Sir Willoughby Gordon. *A.L.S.* Suggesting the appointment of Sir Colin Campbell to replace Sir John Colborne, in case the latter leaves Canada. Castle of
St. Lewis,
August 25.
p. 111

Derbshire to Buller. *A.L.S.* Account of his enquiries in border district. British settlers live in great alarm. *Habitants* talk of incursion, when they will burn and plunder and destroy before troops can come up. Large numbers cross the border to place themselves at disposal of Dr. Côté. An Irishman living in neighborhood declared that "you would suppose the whole of Lower Canada had gone over." That large numbers go over is amply confirmed. Everybody concurs in representing the spirit of the people as worse than in previous autumn. (Derbshire letters—separately bound.) Oliver's
Tavern,
LeCole
(Lacolle),
August 27.
p. 111

Derbshire to Buller. *A.L.S.* Continuing his account. Was in Rouse's Point, a place admirably situated for communications with both Canada and United States. Activities there indicate existence of conspiracy of wide scope. At Plattsburg he found but few refugees. (Derbshire letters—separately bound.) Plattsburg,
August 27.
p. 111

Derbshire to Buller. *A.L.S.* Does not wish to be taken for alarmist. Côté and other refugees may be merely deluding themselves or may wish to delude Americans with idea of their importance. The only alarming thing is readiness of French Canadians to embrace any scheme promising opportunity of renewing struggle. Côté has left in consequence of remonstrance from other French Champlain,
(Rouse's
Point),
August 28.
p. 111

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Canadians as to harm he is doing their cause. Colonel Cutler of United States army is sending a few troops to Rouse's Point and will send away refugees if desired. (Derbshire letters—separately bound.)

Description of 17 deserters from H.M.S. "Malabar." p. 114
 J. Richardson to Durham. *A.L.S.* Astonishment and indignation of people of Montreal at proceedings in House of Lords. p. 116

Courier Office,
 (undated),
 August ?

Fragment of private letter to Durham, informing him of the general hope that he will remain in Canada whatever happens. Sends a requisition to that effect signed by a number of influential people, unconnected with Government. The only objection to be met with is the policy pursued towards condemned prisoners, which has caused deep mortification among loyal portion of inhabitants. p. 117

Toronto,
 (undated),
 August ?

Undated.

Buller to Durham. *A.L.S.* Mr. Seaton pleased with interview with Durham. Mr. Swift, former Governor of Vermont, desires interview; might be helpful with Maine Boundary negotiations. p. 121

Cuddesden
 Palace,
 September 4.

Lady Bagot to Durham. *A.L.S.* Thanks for courtesies to her son. p. 125

Toronto,
 September 6.

J. B. Robinson to Durham. *A.L.S.* Illness will prevent his taking advantage of opportunity of further discussion of points raised by Durham. Trusts Durham will not press those changes in the constitution, which formed subject of conversation. p. 127

Cuddesden
 Palace,
 September 6.
 Quebec,
 September 7.

H. Bagot to Durham. *A.L.S.* Reporting delivery of despatches entrusted to him. p. 131

Draft of letter from Buller to Durham. (The draft is the joint production of Buller and Wakefield, a portion of it being in the hand of the latter). The purpose of the letter is to arouse Durham from the state of discouragement and apathy, into which he had sunk on receipt of the despatch of August 18, announcing the disallowance of the Ordinance of June 28. The writer points out that, though the action of the Government is a serious embarrassment to Durham in the prosecution of his plans, it is in reality nothing but what Durham should have anticipated from the false friends and envenomed enemies, whom he parted from in England. He urges Durham to go on as if nothing had happened, and continue to make use of the large powers with which he was entrusted. His failure to do this will darken the situation in Canada, and cost him his reputation. p. 134

Charlottetown,
 September 8.

Cornelius Little to Durham. *A.L.S.* The agriculturalists, having lost confidence in Assembly, which is formed principally under influence of Proprietors, have appointed a committee of which he is secretary, to correspond with Durham. The committee heartily approve of scheme for federal government. p. 166

H.M.S.
 "Niagara,"
 Kingston,
 September 16.

Capt. R. J. S. M. McClure to Durham. *A.L.S.* Sending enclosure as result of bet he made that Durham would not leave Canada before January 1840. General regret at his decision to depart. Decision was signal for outbreak which was frustrated by vigilance of Government, but fresh insurrectionary movements are anticipated as winter comes on. p. 169

Quebec,
 September 12.

D. C. Napier to Buller. *A.L.S.* Submitting for Durham's signature commissions for 50 grand chiefs and chiefs of Indian tribes in Montreal District, to be delivered when they take oath of allegiance. p. 173

Clones,
 Ireland,
 September 14.

Elinor Rogers to Durham. *A.L.S.* Enclosing proofs of her title to property left by Sergeant John Rogers, of 32nd Foot. p. 175

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R. Dillon to Durham. *A.L.S.* Applying for employment. p. 179

1838.
Montreal,
September 18.
15 McGill St.,
Montreal,
September 18.

Major J. Richardson to Durham. *A.L.S.* Enclosing copy of article he is sending to Great Britain on Durham's administration. Also, enquiring whether Mr. McGill had Durham's authority for asking in his name that all comments on his measures be suspended until something had been done. Sends copy of Personal Memoirs.

p. 183

Lord Dundonald to Durham. *A.L.S.* Expressing gratification at course pursued by Durham. Hopes he will stay in Canada until work is done.

Hanover
Lodge,
September 18.

p. 187

W. Badgley to Durham. *A.L.S.* Respecting some parcels he undertook to deliver to Durham.

Montreal,
September 18.

p. 191

Archdeacon Strachan to Buller. *A.L.S.* Expressing the strongest sympathy with Durham, in the attacks made upon him, and his earnest hope that Durham will not retire as his policy has the approval and support of the great body of the people of Canada.

Toronto,
September 20.

p. 194

Jacob Keefer to Durham. *A.L.S.* On situation in Canada. He himself is a Canadian—of Church of England—Justice of Peace—Captain of militia who served during late troubles—Conservative but objector to Ultraism of all kinds—of independent means. The grievance which excites most feeling is Clergy Reserves. Believes funds would have been devoted to general education, had Legislative Council not intervened. Legislative Council should be composed of more members, having greater popular sympathies, and greater interest in welfare of country. Strong condemnation of endowment of 57 rectories. Fear of consequences of struggle of Church of England for dominance.

Thorold,
September 20.

p. 197

"Tecumseth" (James FitzGibbon). An appeal to the loyal inhabitants of Upper Canada to be ready, in case of uprising. Denunciation of attacks on Durham in British Parliament. With this is an appeal in FitzGibbon's handwriting signed "An Old Soldier" urging him to remain in Canada.

Toronto,
September 21.

p. 201

Richardson to Durham. *A.L.S.* Strong appeal to remain in Canada and complete his work. Has written an account of feeling in Canada to *The Times*.

15 McGill St.,
Montreal,
September 22.

p. 205

Charles J. Ford to Durham. *A.L.S.* Regret at his departure; satisfaction with measures. Invites him to attend Albion Lodge.

Freemason's
Hall,
Quebec,
September 25.

p. 209

Chief Justice Reid to Durham. *L.S.* Asking consideration of his claim for retiring allowance. Has held office for 31 years.

Montreal,
September 25.

p. 213

Richardson to Buller. *A.L.S.* Strong condemnation of the course pursued towards Durham by both Government and Opposition in British Parliament. Directs attention to copy in *Herald* of September 27, of article from *Standard*.

Montreal,
September 26.

p. 216

Thom to Buller. *A.L.S.* Stating that Mr. McGill had called a preliminary meeting to consider propriety of public demonstration respecting Durham's departure. Proposition for general confederation coolly received, as possibly interfering with favorite scheme of union of Upper and Lower Canada. Will himself endeavor to enforce general confederation in columns of *Herald*.

Montreal,
September 27.

p. 220

Wm. Evans to Durham. *A.L.S.* Deeply regretting Durham's departure. On hopes of an end being put to troubles, he had made a considerable purchase of real estate, which he now regrets. Many feel as he does.

Cote St. Paul,
Montreal,
September 27.

p. 222

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1838.
Quebec,
September 29.
Séminaire de
Montreal,
September 29.
p. 226
- Quebec,
September 30.
J. J. Gurney to Durham. *A.L.S.* Accepting invitation to dinner for himself and Mr. Hinsdale. p. 226
- Rev. Mr. Quiblier to Durham. *A.L.S.* In French. Deploing Durham's departure, which will plunge the country into anarchy, and begging him to make the sacrifice of remaining in Canada. p. 228
- Gurney to Durham. *A.L.S.* Representing the desirability of Durham's remaining in Canada, notwithstanding what has passed. His programme for social amelioration very important; besides his success in softening down the political asperities, and improving good feeling with the United States. p. 230
- September.
List of convictions and sentences in the Criminal Session of the King's Bench, September term; also the presentment of the Grand Jury, respecting the too limited periods for the trial of prisoners; the necessity for dealing with greater strictness with receivers of stolen goods; the good state of the jail within the limits of the accommodation; the want of a penitentiary; the satisfaction given by the reorganized police force, and the desirability of augmenting it; the change of location of the Upper Town Market. p. 234
- September.
"Justicia" to S. Derbshire. *A.L.S.* Enclosing series of resolutions, deploring Durham's decision to return to England; and, on separate sheet, suggestion that Brougham, and, perhaps, Melbourne and Glenelg be hanged in effigy on the Place d'Armes. p. 248
- September.
Couper to Durham. *A.L.S.* Reception of the delegates from New Brunswick. p. 252
- (September).
Buller to Durham. *Copy in Buller's hand.* Enclosing notes taken by Chief Justice Reid of evidence against murderers of Chartrand. p. 256
- Washington,
October 3.
R. Jones to Colonel Grey. *A.L.S.* Enclosing copies of the U.S. Army Register; also, expressing regret at Durham's intended departure. p. 257
- Custom House,
London,
October 3.
G. Stewart and two other officials to Durham. Respecting the declaration of the accounts of the Collector at Quebec. p. 260
- St. Catherines,
October 4.
W. H. Merritt, M.P.P. to Durham. *L.S.* On the reorganization of government. Regret that plan proposed by Russell of calling a constituent assembly for the purpose of framing constitution is abandoned. Those whom Durham will have opportunity of consulting unable to reflect opinions of people. Proclamation of June 29 inspired great confidence among all classes. Experience of Great Britain and United States proves superiority of united legislatures. Executive Council discredited by action of Head, as illustrated by the measure adopted by that body with respect to specie payments. Legislative Council does not possess confidence of country. Executive Council should be composed of persons from the several parts of province. Legislative Council should also be representative of all sections. While union of Upper and Lower Canada would be good, a legislative union of all the provinces would be much better. Desirability of calling a constituent assembly to frame a constitution. Canadians will never be satisfied until Canada is a more desirable place of residence than United States. Illustrations of rapid growth of United States, and unfavorable impression of emigrant created by general torpor in Canada. p. 262
- No place
or date.
W. H. Merritt to Durham. *L.S.* Recital of causes of lack of progress: Clergy and Crown Reserves; appropriation for endowment of Upper Canada College; disposal of Indian lands. No part of the

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proceeds of the sale of these lands or the Casual and Territorial Revenue is at disposition of legislature; so far as any public purpose is concerned the money has been wasted. A consequence is the lack of capital which makes it necessary to suspend all public works. General distrust of government at root of all provincial troubles. Comparison of progress in adjoining States with backwardness in Canada, although latter has advantages not enjoyed by former. Owing to lack of central governing authority the transportation system is crippled by different depths of canals—Welland canal 8 feet, Grenville and Rideau canals 5 feet and Lachine 4 feet. Consequently the American trade, which formerly moved up and down the St. Lawrence is lost through the construction of the Erie canal. Disadvantage of farmers owing to uncertainty of legislation, over which they have no control. Admission of Canadian farm products into Great Britain on same terms as Irish products would be of enormous benefit to both Great Britain and Canada. Necessity of placing revenue and commerce of Canada under Provincial Legislature. Let the union be a legislative one, the experience of United States and of Great Britain shows inexpediency of retaining local legislatures. Action of local government in establishing the rectories universally regarded as something like breach of faith. The misuse of the appropriation of land for education. Habit of corporations and individuals, who cannot succeed in getting their wishes satisfied by local legislature, of invoking assistance of Home Government. p. 274

W. H. Cavendish to Durham. *A.L.S.* Thanks for kindness, while he was on Durham's staff. p. 290

J. W. LeLacheur to (Buller). *A.L.S.* Asking for a statement that will relieve him from imputations which have been circulated, that he had given a false impression of Durham's statement to him respecting a Court of Escheat. p. 294

Queries as to condition of Indians in Upper Canada, with answers by the Superintendent, and Arthur's reply to memorial. p. 298

T. A. Young to Durham. *A.L.S.* Enclosing a letter which had just been received at the Police Guard Room. (No enclosure). p. 316

J. J. Gurney to Durham. *A.L.S.* Introducing Henry Miles and Charles Taber, two members of the Society of Friends, who are bearers of address from a community of the Society residing in Farnham townships and parts adjacent. The address is expressive of the confidence of the community, which is the only one in Lower Canada. p. 317

Allan Gilmour & Co. to Buller. *A.L.S.* Respecting a petition of Arthur Ritchie & Co. p. 320

Copy of resolution respecting Sir John Doratt, M.D. p. 322

R. Symes to Sir John Doratt. *A.L.S.* Asking leave to present Durham with a full grown live wolf, and Lady Durham with a case of birds; also, some samples of grain raised on his farm at Leeds. p. 323

A. Stuart to Couper. *A.L.S.* Enclosing a pamphlet on the Maine Boundary question, which he wrote and presented to the Government in England. (See Catalogue of Pamphlets No. 1253). p. 327

Wm. Kemble to Couper. *A.L.S.* Explaining and apologizing for insertion of a paragraph in the *Mercury*. p. 329

G. W. Featherstonhaugh to Couper. *A.L.S.* Respecting hotel accommodation for Durham and his party in New York. Encloses an itinerary from St. Johns, L.C. to Washington. p. 333

1838.

New York,
October 4.Prince
Edward
Island,
October 4.Indian Office,
October 5.Quebec,
October 5.St. John's,
October 11.Quebec,
October 11.St. George's
Society,
Albion Hotel,
Quebec,
October 12.Quebec,
October 12.Quebec,
October 12.Quebec,
October 13.New York,
October 13.

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1838.
Montreal,
October 13.

J. J. Gurney to Durham. *A.L.S.* Appeal to him to remain in Canada. His government would not be by military power alone as stated in Proclamation, but a distinct civil authority supported by subordinate military power. His present power is that of pro-tempore despot. Disallowance of ordinance, forming but single item in large general policy, not sufficient reason for retirement, particularly as spirit of measure and line of policy have met with universal approbation. Disbelief in statement that Durham's work will be best done in Parliament. If, as seems to be the case, dictatorship is necessary, Durham is only available man to exercise it. Friends in Farnham deplore impending departure, as opening the way to renewed disorder. His seceding or not seceding turning point between two opposite systems of government—military and civil. p. 339

Quebec,
October 14.

Sir John Macdonell to Durham. *A.L.S.* Expressing strong sympathy in the matter of the disallowed Ordinance, which he characterizes as "the most necessary, humane and high-minded measure that could have been devised." p. 347

New York,
October 15.

John Duer to Buller. *A.L.S.* Expressing admiration of Proclamation, and approval of his course in resigning. Durham would be enthusiastically received in New York. p. 351

Montreal,
October 16.

J. Richardson to Buller. *A.L.S.* Confidential. He has been dismissed from *The Times* for articles he wrote in favour of Durham. Asks Buller's services to procure him a position as correspondent of some other newspaper. p. 355

Montreal,
October 16.

Richardson to Durham. *A.L.S.* Respecting his dismissal from *The Times*. p. 359

Quebec,
October 17.

Certificate of Durham's election to a life membership in St. George's Society. p. 363

October 17.

James Stuart to Durham. *A.L.S.* Returning with acknowledgments a despatch sent to him for perusal. p. 364

Toronto,
October 17.

Adam Fergusson to John Grey, Dilston, Northumberland. Expression of disgust with political leaders in Great Britain and of general confidence in Durham. p. 366

New York,
October 17.

General James Tallmadge to Durham. *L.S.* Recalling their acquaintance in St. Petersburg, and stating that Durham's policy has been highly approved in U.S. p. 370

Washington,
October 19.

G. W. Featherstonhaugh to Durham. *A.L.S.* Giving him news of Fox. Account of a walk with him at night in Washington "where the streets are about as wide and as long as Canadian farms, with quite as many horned cattle, horses and especially pigs in them." p. 376

Toronto,
October 19.

John Powell, Mayor of Toronto, to Durham. *Partly A.L.S.* Drawing attention to his services during Rebellion, and the slight put upon him by Head; and intimating that some honor or recompense would be acceptable. He relates that when Rebellion broke out in Lower Canada, Head allowed all troops to be withdrawn from Upper Canada, leaving 4,000 stand of arms with only 5 or 6 policemen to guard them, and that as late as 8 o'clock of the evening on which the rebellion broke out, Head expressed his conviction that there would be no rising. p. 379

Ste. Famille
de Boucherville,
October 23.

A. Delisle to Buller. *A.L.S. In French.* Transmitting address from inhabitants of Ste. Famille, and stating that, with more time, a great many more signatures would have been obtained. p. 387

Lit. & Hist.
Soc., Quebec,
October 25.

F. H. Andrews to Buller. *A.L.S.* Transmitting copy of address, which Society desires to present to Durham. p. 389

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Buchanan to Couper. *A.L.S. Private.* Expressing regret at Durham's decision to go home by St. Lawrence, and enclosing an extract from a newspaper to show the preparations which were in progress to welcome Durham to New York. 1838.
New York,
October 25.

P. H. Knowlton to Durham. *A.L.S.* Expressing fear that unless Durham's scheme is given effect to at an early period, Canada will be lost to Empire. In order that Durham may have local advice in England, he suggests that Andrew Stuart be made a commissioner to settle the Maine Boundary dispute, as he could act in an advisory capacity to Durham during his residence in England. p. 391
Tp. of Brome,
October 26.

President Van Buren to Durham. *A.L.S.* Expressing the hope that, in case Durham passes through United States on way to England, he may pay a visit to Washington, and assuring him of the heartiness of the welcome that would await him. Washington,
October 26.

Dunbar Ross to Durham. *A.L.S.* Pleading for an extension of clemency to Firmin Moreau, under sentence for drunkenness in Quebec Gaol. Quebec,
October 27.

H. S. Anderson to Durham. *A.L.S.* Applying for the stake of 50 guineas which he won at the last races, for horses bred in province. Quebec,
October 30.

Receipt for £4,105—5—currency, being the amount advanced from the Military Chest at the posts of Quebec, Montreal, Kingston, Toronto and Niagara. p. 415
Commissariat,
Quebec,
October 31.

J. Mittleberger to Durham. *A.L.S.* On grievances of Upper Canada. The chief of these is the Clergy Reserves. Importance of early settlement of this question. Though a member of Church of England, he is persuaded that it is essential that Clergy Reserves funds should be placed at disposal of Legislature, either to be devoted to general purposes, or to be distributed among all denominations on a plan which he suggests. Legislative Council might be reformed by including in it a certain number of members selected by the House of Assembly. Custom's Tariff should be revised; tea, to be admitted on payment of duty, instead of being prohibited; there should be reciprocity in exchange of farm products. These are now admitted into Canada duty-free. He has had assurances that U.S. would agree to reciprocity if they were approached on subject. Seaport is necessary. To that end he would divide Lower Canada, giving western part to Upper Canada, and eastern part to New Brunswick and preserving Quebec as Military Post. Importance of completing St. Lawrence navigation on scale of Welland canal. p. 418
St. Catharines,
October.

Memorial (in print inviting attention of Durham to desirability of measures for improving the navigation of the Ottawa river, and opening up a communication by that river to Lake Huron. To this is attached a paper written by Charles Shirreff in February 1835, on two projected communications with Lake Huron. (There is appended a direction in Buller's handwriting that a letter be written expressing Durham's sympathy with the scheme, but that his sudden departure for England makes it impossible to give the subject his attention. If the scheme is prosecuted in England, he will give all assistance in his power). p. 419

List of names of persons in United States, who would have desired to entertain Durham, had he visited that country. October?
p. 426

Quebec Education Society—its composition, and assistance it receives. p. 435
(October)
p. 438

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1835.
(October)

Memorandum from Couper, initialed by him, suggesting to Durham that he go home to England *direct*, and at once convince Ministers of seriousness of situation. Good results he anticipates in preserving tranquillity in Canada. p. 440

(October)

Couper to Durham. *A.L.S.* Has given anxious thought to embarrassing points suggested by Durham for his consideration, and remains of opinion that his best course is to "follow out your declared intention to return to England." Durham is not a soldier, and a general of character is far more likely to lose than to gain reputation by the approaching warfare. p. 443

(October.)

Buller to Durham. *A.L.S.* Asking when he will receive bearers of addresses from Niagara and St. Catherines. p. 446

Toronto,
November 3.

J. F. Berford to Durham. *A.L.S.* His personal grievances. Affairs of province. Alarm throughout province at knowledge of Durham's departure. Spirit of faction rife. In presence of impending invasion, the ruling class indulge in idle threats, and pursue course that is irritating body of people into acts of insubordination. As immediate measure he would unit St. George's, St. Andrew's, Orange and other societies under some such name as British Imperial Society, open to all good citizens. Suppress the word "Orange" forever. The militia should be enrolled, with precautions against admission of disaffected. All magistrates should be enjoined by Proclamation to gain confidence of people in Government. All notoriously unpopular officials should be removed from office, those whose unpopularity is not imputable to ill intentions to be pensioned. An adequate number of regular soldiers should be maintained in country. It is important to have a commission of enquiry appointed by Imperial Parliament, sent out to Canada to take evidence and report their findings to Imperial Parliament. Rules which should govern enquiry. Origin of all political ills in Upper Canada is Family Compact, who block every avenue to ear of Governor. Enquiry should include religious situation, Land Granting department, and, above all, Executive Government. p. 449

Montreal,
November 12.

Buller to Durham. *A.L.S.* Ellice arrived day before. Ladies well and uninjured. Insurrection completely suppressed. Chiefs acted like cowards; poor deluded peasantry paying penalty by having country scourged. p. 465

Halifax,
November 16.

Derbshire to Durham. *A.L.S.* Was the bearer of despatches from Sir James Macdonell to Harvey and Campbell. News of the insurrection of November 3, and rumors from Quebec and Boston newspapers. On learning of Ellice's capture and D. B. Viger's detention in gaol, he wrote to latter, pointing out serious consequences of anything happening to Ellice, and expediency of Viger's taking steps with his countrymen to prevent anything untoward. Viger is "extremely timid and very rich, and much alarmed at the thought of losing his property." (Derbshire letters—separately bound).

Hatchett's
Hotel,
Piccadilly,
November 24.

Wakefield to Durham. *A.L.S.* Report on state of feeling in England. All newspapers—Tory, Whig and Radical—had joined in condemning Durham. Notes a change for the better. Durham's return to face enemies produces feeling that case has been misunderstood, and there is admiration for his courage. Government, becoming alarmed, will submit to his terms. Honest politicians will do him justice. Is sending a book with the articles he has collected, pasted in it. (This book is among the papers). Wakefield is exert-

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ing himself with success to change tone of papers. Whigs are about to praise Durham and condemn his advisers. He implores Durham to do or say nothing until he receives the report Wakefield is making.

p. 466

————— to George Dickson, Plymouth. *A.L.S.* Describing outbreak of insurrection in Autumn, 1838.

p. 472

"Charlotte" at sea, November 26.

Wakefield to Durham. *A.L.S.* His position excellent, provided he undertakes it before taking any step. General objection to Proclamation as unprecedented. His own account of how it pacified the British and confounded French Canadians proves satisfactory. Government intend to treat Durham coolly. Importance of his Plymouth speech. Fortnight after arrival most important occasion of his life. He must not attempt to bolster up present Government. Letter of Wakefield contradicting Roebuck has done good. Very great ignorance in England respecting Canada.

p. 477

Extracts from English newspapers on Canadian Affairs from October 9, 1838 to Nov. 27, 1838. (Bound separately.)

Log of proceedings of H.M.S. "Inconstant" between 1st and 30th November, 1838.

p. 483

Duke of Cleveland to Durham. *A.L.S.* Congratulations on safe return.

p. 499

Raby Castle, December 2.

Wakefield to Durham. *A.L.S.* Good feeling for Durham at Ashburton. Radicals (not mad) ready for his leadership, though some fear he may be induced by family connections and Queen, to abandon them. His own activities on Durham's behalf. *Spectator* now favorable to Durham.

p. 503

John Yonge to Durham. *A.L.S.* News from Colborne received through his sister, Lady Colborne. Warm feeling of Colborne for Durham.

p. 515

Puslinch, December 4.

Wakefield to Durham. *A.L.S.* Arrangements for meeting in Exeter. Durham must avoid intrigues of Government supporters. Changing attitude of newspapers.

p. 523

Exeter, (December 5.)

Draft in Durham's hand of his reply to address of welcome from people of Exeter.

p. 528

Exeter, (December 6?)

Wakefield to Durham. *A.L.S.* Report current that Colborne is sending all the prisoners for trial in England. Hopes it may be true. Bad effect of letter from Durham to West.

p. 530

Down Street, Sunday.

Spence Clifford to Couper. *A.L.S.* Sale of certain effects of Durham. Campaign about L'Acadie. Was quartered with Madame Dussaules, where he was very comfortable.

p. 533

La Prairie, December 19.

Durham to President of United States. *Signed copy.* Acknowledging letter of October 26, with thanks for invitation and deep regret at inability to accept it. Convinced of good feeling of intelligent and respectable portion of community in United States.

p. 537

Sir J. W. Gordon to Durham. *A.L.S.* Private. Acknowledging note with copy of letter from Colborne. Will use latter, if he can with advantage to Durham.

p. 540

Horse Guards, December 20.

Durham to H. Lambton, M.P. *A.L.* *Initialed.* Ministers have behaved so infamously, he will have none but official communications with them. Is fully occupied with Canadian affairs. Belongs to no party; will neither support nor attack ministry. "They are a wretched lot."

p. 542

C. Row, December 21.

H. G. Ward, M.P. to Durham. *A.L.S.* Thanks for opportunity of reading papers. "You have been right throughout—right in going

Gilston Park, December 21.

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—right in what you did while there—right in refusing to remain there after your power of utility was undermined by the vacillations & trickery of those with whom you acted, at home.” p. 546

Aberdona,
December 24.

James Erskine to Durham. *A.L.S.* Transmitting address from an assemblage of inhabitants of County of Clackmannan; with reply from Durham, thanking signers of address, and expressing gratification at its terms. p. 549

Perth, U.C.
December 29.

W. Morris to Durham. *A.L.S.* Showing that the Clergy Reserves question is much larger than the mere payment of a few clergymen of one denomination; that it lends support to the attempt at domination on the part of members of the Church of England, which is felt and bitterly resented, in the exclusive control by members of that body in the University and Upper Canada College, and in preferences to members of that Church at the expense of those of other denominations, in the distributing of offices, and the allotment of land to settlers. The attachment of Canadians generally to the Crown is proven by their repelling the attacks of invading armies, and in enduring the indignities put upon them by a privileged class within the province. He makes the following suggestions for the restoration of contentment and tranquillity: Endow Church of England, Church of Scotland, Methodists and other Protestant communities, from Clergy Reserves fund; confer no exclusive civil or ecclesiastical privileges on any denomination. Give equal rights to the Scotch in University and Upper Canada College. These institutions were endowed by the misappropriation of 291,000 acres of land, which were designed by the Legislature in 1797 for endowment of Grammar Schools throughout province. Encourage immigration by low price of lands and the erection of mills. Most of latter are in hands of Americans who are disseminating views antagonistic to Empire. Abolish system of sale of lands to immigrants on credit. Bring out some thousands of Highlanders to serve as Fencibles for 2 or 3 years, granting them land as compensation. Infuse new blood into Executive Council. Remove office holders and clergymen from Legislative Council. Deal gently with main features of constitution. Unite the two Canadas, but do not risk confederation of all the provinces. p. 551

Montreal,
December.

R. J. A. to Buller. *Copy.* Proposing a scheme of government. In Upper Canada, cordial support will be given to any government acting with energy, honesty and justice. The Reformers or opponents of Family Compact much more dependable as supporters of British connection than Family Compact. St. Lawrence canals, which are work of Compact, tend to throw Canadian trade towards United States; Rideau Canal true route between Upper Canada and Montreal. List of subscriptions to Welland Canal shows how little it was supported by Family Compact. “The party of the Compact is anti-British and is to be depended on only so long as the scheme of government ensures their exclusive influence and the exclusive promotion of their individual interests.” Draws attention to disrespect shown in Legislative Council to despatch of Colonial Secretary. Several other instances of disloyalty cited. Coming to the scheme he suggests: (1) Legislative union of two provinces; (2) Creation of 5 minor executives responsible to general executive, but applying its powers to administration of their respective districts; (3) confiding the checking of local expenditures to bodies appointed for that purpose; (4) French Canadians within certain geographical limits to enjoy their own laws, language and religion; (5) prevent recurrence of mischiefs resulting

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from non-payment of public officers, at times when the several branches of legislature quarrelled with one another. p. 562

Petition of James Farrell, who is under sentence of transportation for life for desertion from the 34th Regiment, while stationed in Chatham, U.C. in July 1838, that he may be pardoned. (1838) p. 581

(Anonymous). Grievances complained of by people of Upper Canada: (1) Family Compact; (2) Court of Requests from which there is no appeal; (3) Land Granting department which holds land at too high prices, and so drives immigrants to United States. From 6 years' residence he lays troubles to American settlers, many of whom do not take oath of allegiance; American Wesleyan preachers; incitements to litigation by members of bar; wretched system of education, many American teachers and books being employed. Honorable conduct of members of Church of England noted, particularly in Niagara district. (1838) p. 585

Turton to Durham. *A.L.S.* Sending an article on Featherston-haugh which appeared in a Washington paper. Also, a letter from the senior chaplain of Cathedral Church in Calcutta, of which Turton was senior church-warden. The letter will show in what esteem he was held by a respectable clergyman, with whom he spent 15 years of his life. Saturday. (1838) p. 590

C. B(uller) to Durham. *A.L.S.* Respecting the printing of some papers in *The Mercury*. Undated. p. 592

Specimens of signatures of teachers at Society schools of Quebec, several of whom teach writing and arithmetic. Undated. p. 594

Duties of the Judges of the Court of King's Bench for district of Quebec. Undated. p. 597

Draft of "An Act for the support of Civil Government in this Province" (Upper Canada). This act was brought forward in 1837, but did not pass. Undated. p. 600

Headings in Durham's hand apparently of a speech to be delivered by him. Undated. p. 611

Rough notes of the beginning of the report on Education in the Canadas. (Probably in Arthur Buller's hand). Undated. p. 614

Buller to Durham. *A.L.S.* Asking him to sign certain warrants. Undated. p. 629

VOLUME III

J. L. Stevens to Bushe (Durham's private secretary). *A.L.S.* 1839. Acknowledging a letter from Durham. Personal matters. p. 1 83 Cornhill, London, January 1.

Bushe to Thomas Thompson. *Initialed.* Acknowledging address to Durham from Houghton le Spring. p. 4 January 7.

G. Coventry to Durham. *A.L.S.* Resides in Upper Canada between Lakes Erie and Ontario. Offers some remarks on conditions in the Canadas. Is of opinion that French Canadians will never drop antipathy to Great Britain, and are therefore unfit to legislate for general welfare of country. They mar every project likely to facilitate enterprise of Upper Canada. In order to counteract this attitude he suggests: (1) Annex to New Brunswick all territory on Eastern shore of St. Lawrence, north of St. Francis; (2) annex to Upper Canada the settlements south of St. Francis with district west of Trois Rivières, capital of Upper Canada to be Kingston; (3) leave White Hart Court, Lombard St., January 7.

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1339.

Quebec and dependencies under Military Government. Legislative Councils should be chosen every 4 years by Legislative Assemblies. Clergy Reserves should be sold and fund created for purposes of education, spiritual and temporal. Crown Lands should be disposed of in the same way as the public lands in United States, where land is sold for \$1.25 per acre cash down. Canadian practice of selling at high price on credit ruinous to country. Great importance of completing canal system. p. 6

Temple,
January 7.

R. Pashley to Durham. *A.L.S.* Stating that the case which seemed to show that the Durham Ordinances were legal was Mostyn & Fabrigas, reported in Cowper p. 161. Outline of case. p. 14

Boulogne,
January 8.

Turton to Durham. Private. *A.L.S.* Personal matters. Enquiries as to what has taken place in England respecting Durham. Would like to see breach between him and the Ministry honourably healed, as he fears that, if Tories come into power, they may remain in for a long time. If the Ministry would adopt plans of moderate Radicals—the Ballot, Triennial Parliaments, Extension of Suffrage, and Corn Laws—a basis of union would be laid. Durham would be natural leader of such a party. Respecting certain papers relating to Canada, which he wishes to have copied, or is sending to Durham. President of United States and Fox both regret Durham's inability to visit United States. Featherstonhaugh desires to be member of Maine Boundary Commission. His several qualifications for the position. p. 20

Enclosure:

Felcourt,
E. Grinstead,
January 1.

Turton to Sir John Hobhouse, President of the Board of Control. *Copy.* Durham's proposal that Turton should go to Canada was made at instance of Stanley, Secretary of Treasury. When Turton hesitated, Hobhouse, as additional inducement, authorized Durham to promise on behalf of Hobhouse that Turton should have first vacant judgeship in India, on his return from Canada. Two judgeships at this time vacant. Cannot believe discussion in Lords will have influence. Affair occurred 17 years before, and he has endeavoured ever since to make every reparation in his power. He has enjoyed fullest confidence of people among whom he lived in India for 15 years. In 1827, was appointed Judge Advocate in Bengal, and for special services was given large sum in addition to salary. When he retired the Indian Council passed highly complimentary resolution. In 1835, was elected churchwarden of Cathedral Church of Calcutta. Hobhouse has many channels of information respecting his general conduct. p. 31

Leamington,
January 10.

Lady Wood to Durham. *A.L.S.* Enclosing a packet from her sister in Prince Edward Island. p. 35

St. John's,
Newfoundland,
January 14.

W. Carson, Speaker, and Walter Dillon to Durham. *L.S.* Transmitting by R. R. Wakeham a petition from members of the House of Assembly adopted at public meeting on December 11. It is signed by nearly 3,000 persons, including Roman Catholic Bishop, several clergymen, merchants, magistrates, etc. Conditions in Newfoundland are essentially as described by Chief Justice Reeve 40 years before, perpetual conflict between planters and inhabitants on one hand and adventurers and merchants on the other. Council is composed of four merchants and four officials, and assembly by representatives of planters and inhabitants. Conflict of interest between the latter, who aim at development of resources, and merchants, who desire to retain business of supplying colony in their own hands. Petition of Chamber

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of Commerce asks for government by Governor and "enlarged council," popular representation being eliminated, the people being "degraded to the condition of abject slaves." It is requested that this petition from the representatives of the people be presented to House of Lords by Durham. In reply to charge of disorders, they point to Court Records as showing the extraordinary absence of crime of any sort in colony. p. 37

Enclosure:

Copy of petition mentioned, signed by 2,788 persons. It is summarized by Durham as follows: Loyalty as evinced by ready volunteering when required; no trials for treason; prejudice against institutions excited by merchants in Liverpool; perfect tranquillity in Island; prayer for commission of enquiry. p. 45

J. W. Bulkeley to Durham. A.L.S. Enclosing letter written by him to *Morning Chronicle* on Canadian affairs. p. 57

Sir G. Grey to Ellice. A.L.S. Respecting an article which appeared in *The Globe*, on Durham, regarding which he encloses a letter. Durham's report not yet ready, but promised soon. p. 59

Enclosure:

J. Lee Steven to Bushe. A.L.S. Respecting article. p. 62

Sir J. W. Gordon to Lord———. *Copy in Durham's hand.* Has recently seen Durham. Notes silence of opponents, awaiting Durham's statement. Convinced of rectitude of his conduct respecting Turton, and of dilemma of Government in face of facts. The three main points in case are: Ordinance, Proclamation, return to England. Understands Government approved of Ordinance. Pusillanimous conduct of ministry in abandoning Durham. Impossibility of his remaining, hence necessity of Proclamation. The return fully justified by Colborne's letter. p. 64

Confidential Memorandum on the "Case of Lord Durham." (1839) The writer considers the three material points involved, viz: The Ordinance; the Proclamation; and the return to England. After a review of the papers bearing on each, he concludes that Durham was justified in his actions on all three points. (This is evidently the work of Sir J. W. Gordon, as it is scarcely more than an elaboration of his letter of January 18, a copy of which has been preserved in Durham's own hand.) p. 68

Confidential Memorandum by Sir J. W. Gordon as to course, which Durham should take when papers are on table. Mere silence, in confidence that papers would fully justify him not sufficient: it would seem to indicate desire to spare ministers and so anger Opposition; it would also be inconsistent with duty to Canadian. As soon as papers are tabled, he should submit his conduct to consideration of House, referring their Lordships to the papers which show success of his measures, and the interruption in his work by action of Government, and leave it to Government to offer their explanation. A.L.S. and copy. p. 102

Joseph Howe to Durham. A.L.S. Enclosing a number of papers, showing the position of affairs in Nova Scotia. These are: No. 1. an Address from Assembly, 1837; No. 2. despatches in reply, from which will be seen the satisfaction of the people at termination of old system; No. 3. will show that instructions in despatches have not been carried out; No. 4. is report of speeches, giving evidence of disappointment at determination to continue old system. p. 126

1839.

1838.
St. Johns,
December 11.1839.
Belmont,
Maidenhead,
January 16.Colonial
Office,
January 17.83 Cornhill,
January 8,
Horse Guards,
January 18.

(1839)

Halifax,
January 19.

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1839.
Chelsea,
January 21.

Sir J. W. Gordon to Durham. *A.L.S. Private.* Returning paper sent to him. Sympathizes strongly with Durham. Condemns despatch of Glenelg as "illogical, inconsistent, inconclusive." Durham's conduct admirable throughout. Absurdity of annulling whole of great measure, on account of illegality of unimportant part. p. 128

(January 7)

C(harles) B(uller) to Durham. *A.L.S.* Suggesting some additions to certain answer. p. 132

(January)

E. G. W(akefield) to C. B(uller). *A.L.S.* Printer has promised half a dozen revised copies by next day. Urges Buller to come to his place, as they will have to work all day. p. 134

Chelsea,
February 3.

Sir J. W. Gordon to Durham. *A.L.S.* Most confidential. Respecting course Durham should pursue in presenting case to Parliament. Convinced Conservatives will not be hostile. Brougham and Ellenborough believed to be prepared to give fair hearing. Should make preliminary statement, with reference to papers for confirmation and explanation. His statements should all appear as made solely in self-defence. Duke of Wellington does not condemn departure in military but in political sense, believing Durham's character and fame would have been enhanced by successful completion of mission. Writer believes Durham can show this to be impracticable. p. 137

Chelsea,
February 5.

Gordon to Durham. Confidential. *A.L.S.* His anxiety as hour for explanation approaches. Finds utter ignorance of case among Ultra-Tories, and Ultra-Radicals and in Clubs. Necessity for early preliminary statement from Durham. p. 145

London,
February 5.

Durham to President of United States. *Copy in Durham's hand.* Sending copy of his Report. p. 147

36 Hertford St.,
February 8.

E. L. Bulwer to Durham. *A.L.S.* High praise for Report and concurrence with its view as to necessity of British ascendancy in Canada. Its recommendations will be bitterly opposed by politicians, but acceptable to nation at large. p. 149

Down Street,
February 9.

Wakefield to Durham. *A.L.S.* Additional views to those already communicated by Buller, on Lord Howick's letter. Howick would substitute whole scheme of his own, essentially the same as that he propounded in House of Commons. Warns Durham against being drawn into private discussion with Howick. Rumor is that Howick will replace Glenelg. Below bar of Lords, Glenelg's resignation is regarded as a triumph for Durham. p. 152

2 Vigo St.,
Regent Street,
February 11.

Charles Sumner to Durham. *A.L.S.* Expressing gratification for friendly terms of Durham's allusions to United States and its institutions. p. 156

3 Norfolk St.,
Strand,
February 13.
February 17.

Turton to Durham. *A.L.S.* Will send a file of *Quebec Mercury* in which the Panet and Bedard judgment is recorded. p. 158

Sir G. Grey to Ellice. *A.L.S.* Regret for discussion on printing Report. Had no idea that it would be laid before Parliament until Government had read and considered it. p. 159

3 Norfolk St.,
February 20,

Turton to Durham. *A.L.S.* Thanks for his defence of Turton in Lords on previous evening. p. 162

London,
February 27.

Durham to R. Carter, Secretary, N. A. Colonial Association. *Copy.* Acknowledging resolutions adopted by Association on 25th. Regrets that they cannot be reconciled with terms of Report. Protests against misrepresentation of Report in third resolution. Instead of representing the "disloyal class" in all the provinces as "numerous & respectable," he has on contrary represented loyalty of population as enthusiastic and all but universal. He has vindicated Reformers

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from charge of disloyalty, stating that but a portion of the party^{1839.} opposed to Government policy had any designs of changing Constitution, and that any tendency in that direction is result of temporary and easily removable causes. Hopes that if resolution is published, his disclaimer will accompany it.

p. 163

Resolutions of N. A. Colonial Association: (1) That Durham was actuated by sincere desire to promote interests of Canada; (2) that they testify to accuracy of account given of French Canadians and to propriety of his recommendation that British influence should predominate; (3) that they dissent from statements calculated to encourage advocates of republicanism and to convey the impression of Upper Canada that "the disloyal class is numerous and respectable instead of being, as it really is, a comparatively small and contemptible minority; (4) that Union would fail of its object if the representation, as he suggests, be based on population alone without distinction between the loyal and the insurgent inhabitants; (5) that such alterations should be made in electoral districts and qualifications as will destroy baneful ascendancy of French Canadians, and give equality of legislative power to British population; (6) that Legislative Council should be nominated by Crown on advice of responsible advisers and hold office for life, subject to right of members to resign; (7) that with reference to Executive Council, it would be inexpedient to have administration in hands of heads of departments removable by votes of Assemblies; (8) that Legislative Union on foregoing basis is so important, that it should be pressed on attention of Government.

Précis of bill for Union of Upper and Lower Canada.

Table showing how several redistribution schemes would work.

p. 167

Mr. Ward's notes on proposed production of despatches by^(1839?) Colonial Office.

p. 182 February.

Memo, *unsigned but in Buller's hand*, on advantages of Legislative over Federal union. Setting aside the general advantage of efficiency and economy of one government as compared with several, these are: that it would keep Lower Canada quiet and make it English as speedily as possible; federal union would recognize French Canadianism and maintain its peculiarities and keep the Canadians French, "which is precisely what you do not want." Under Federal system French Canadians could not be kept in order except by arbitrary government to which there are insuperable objections. Howick's plan of a commission to reform laws of French Canada would not be as effective as if the changes were made by the Legislature.

p. 194

R. Carter to Durham. *A.L.S.* Durham's wish as to appending his letter to their resolutions will be complied with. Association adhere to their view of tendency of Durham's report, but glad to find his opinions as expressed in his letter coincide so nearly with their own.

No. 11
Leadenhall St.,
March 1.

p. 200

J. F. Berford to Durham. *A.L.S.* Asking if a petition addressed by him to House of Commons was received, as suspicious are in circulation of interference with correspondence in the Post Office; also, expressing desire that a petition addressed to Durham while latter was in Canada might be made public.

Toronto,
March 11.

p. 202

Couper to Durham. *Private.* *A.L.S.* Observation on Glenelg's attempt at censure in despatch No. 81, when in despatch No. 73 he

Tor,
Devonshire,
March 15.

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1839. had provided arrangements for Durham's return. Report creating sensation among those with whom he has spoken. p. 206
- 22 South G. W. Featherstonhaugh to Durham. *A.L.S.* Enclosing paper on Maine Boundary dispute, which would show on what erroneous principles the British Government had hitherto conducted the negotiations. p. 218
- Audley St.,
March 25.
- London,
March 24.
- Enclosure:
"An explanation of the case of the Territory in dispute with the State of Maine." p. 210
- (March?) Statement relative to Durham's administration in British North America, prepared for the opinion of Charles Austin. p. 221
- Tor,
Devonshire,
March 28.
- Couper to Durham. *A.L.S.* Respecting accounts in connection with the Durham mission. p. 259
- Toronto,
April 8.
- W. Morris to Durham. *A.L.S.* Enclosing copy of record of proceedings in Legislative Council on question of union of Canadas. Protest entered by him is signed by 6 others besides himself, all resident in distant parts of province. Two Toronto members—Macaulay and Dunn—favor union, but were not present when vote was taken, so that of those in city 9 were for union and 10 against. The majority was, with one exception, composed of residents of Toronto and neighborhood. It is supposed they were moved by fear of removal of capital. Report has just reached Canada and is in hands of printer. Concurs in view respecting undue influence of certain members of Government, particularly Archdeacon Strachan. p. 262
- Enclosure:
Proceedings in Council with reference to certain resolutions of the Assembly on the union of the two provinces. It was moved and seconded that an address to the Queen be prepared, praying for the union of the provinces on such principles as would secure to all inhabitants of both provinces their religion, property and other privileges; that the electoral divisions of Lower Canada be so rearranged as to give inhabitants of British origin, the representation their numbers entitle them to; and that seat of government be fixed within limits of present Upper Canada. This was defeated by amendment declaring that House adhered to terms of their report and address of February 13 and 28, 1838. To the adoption of this resolution, there was dissent expressed by several members in a jointly signed paper. p. 265
- (1839?
April 8.) Copy of bill for purchase by Government of outstanding stock in Welland Canal. p. 271
- Montreal,
April 10.
- D. Daly to Durham. *A.L.S.* Expression of cordial concurrence in principles of Report. Exposition of situation renders future misgovernment impossible. Report has merit of disappointing extremists on both sides. Present system impossible. Colborne's attempt to assimilate government by Governor and Special Council of 23 does not improve situation. p. 274
- 35 Lincoln's
Inn Fields,
April 10.
- John Ward, Durham's Private Secretary to Durham. *A.L.S.* Encloses Austin's opinion which he summarizes as follows: (1) Governor and Special Council had full power to alter Criminal Law, and so far Ordinance was legal; (2) they had no power either to transport or to lay restraints in Bermuda; (3) Special Council was properly constituted; (4) that it was necessary to disallow whole Ordinance; (5) that, coupling Ordinance and Amnesty, prisoners banished were pardoned for all past treasons, although it was open to re-exclude them by fresh Ordinance. p. 278

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Enclosure:

C. Austin. *L.S.* Opinion mentioned.

p. 280

1839.

Temple,
April 6.

C. Grey to Lady Durham. *A.L.S.* Great satisfaction with Report. Some criticism of it in Upper Canada, but the recommendation of a responsible government and exposure of abuses, touches ruling party on sensitive point.

p. 300

Montreal,
April 12.

W. C. Keele to Durham. *L.S.* His grievance: came to Upper Canada in 1832 as qualified attorney in England, was refused leave to practice for some years; when admitted it was only as attorney, not as barrister. Government party consistently opposed his application, his support came from those since denounced as traitors. Believes rebels were not opposed to government, but to usurpation of dominant party. John Prince, who came out as English attorney, was admitted to practice, but the enabling act was passed, as it says, in consideration of his distinguished services. Strongly recommends encouragement of British emigrant to preserve British character of the country. Family Compact occasion of most of disloyalty in province. Encloses letter of Chief Justice Robinson, telling him that he could have easily learned of the Provincial law refusing admission to legal practice, to British lawyers.

p. 304

Toronto,
April 12.

Enclosure:

J. B. Robinson to Keele. *A.L.S.* Letter mentioned.

p. 311

1832.
York,
December 17.

Adam Thom to Edward Ellice. *A.L.S.* On Clergy Reserves and Legislative Council. Believes that, by law and perhaps in sound policy, the Reserves should be within control of Imperial Parliament. As regards Council, he would make democracy check itself by having the Council elective, though he sees difficulties due to heterogeneous character of population. What is required in Council is men of influence and wealth, with permanent stake in country. Legal profession more than any other furnishes material from which to draw. Here you have ability, permanent income, and attachment by terms of profession to province. Chief difficulty to settlement will be found in prejudices of British portion of population. Lord Normanby's experience in Ireland will excite suspicion that his sympathies will run with numerical majority.

p. 314

1839.
"Great
Western"
Steamship,
April 14.

Wakefield to Durham. *A.L.S.* Encloses letter from James H. Kerr of Quebec. Report had not reached New York on March 22. General agreement that Lord Hastings letter is great blow to Melbourne, and that Government cannot last through session. Many eyes turned towards Durham. Warns him in case he gets his chance that there must be no tinkering. Fresh material must predominate if Liberal Government is to survive.

p. 319

Down Street,
April 16.

Enclosure:

Kerr to Wakefield. *Copy.* His fears that faction would succeed in blocking Durham's scheme, removed by news which has just arrived. Appreciation of Durham's sacrifice for sake of Canada. His wisdom in postponing general confederation, though this will come. Satisfaction that Durham left Canada, as his best work is being done in England. Rebellion easily quelled. Colborne no statesman, in spite of laudations in England. Builds hopes on Wakefield's scheme for colonization and emigration. Issue of Militia Scrip going on, though value very low. He purchased largely at from 3 pence to 15 pence an acre. O'Sullivan at death's door. Andrew Stuart was ill, and for a time his mind was affected.

p. 323

Quebec,
March.

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1839,
Cleveland
Row,
April 19.
Han's Place,
April 19.

Couper to Durham. *A.L.S.* Respecting the accounts for Durham Mission. p. 327

Cleveland
Row,
April 22.
Limerick,
April 22.

Wakefield to Durham. *A.L.S.* Asking him to meet Mr. Lyall on matters connected with the New Zealand Company in 1825. p. 334

Couper to Durham. *A.L.S.* Respecting accounts of Durham Mission. p. 337

C. Pearson to Durham. *A.L.S.* Giving account of proceedings of the N. A. Colonial Association, and expressing belief that emigration on a considerable scale will take place. p. 341

No. 35 King's
Square,
Gosnell Road,
May 3.

James Durand to Durham. *A.L.S.* Glad to observe that Report recommends responsible government for Canada. Hopes Government interference in elections will be eliminated. Disastrous results of Head's administration. He should have been impeached, not advanced to baronetcy. Went first to Upper Canada in 1810, and lived there since. His return to Canada will depend on reform of government. Many British in Upper Canada are leaving for United States on account of bad government. Hopes lenient treatment will be accorded to Canadian prisoners now in Newgate. p. 345

May 13.

Remarks on bill prepared by North American Association. After noticing many details, it concludes: "The bill is objectionable in principle, and would not effect the objects of Lord Durham's Report." p. 349

London,
May 17.

Durham to General Grey. *Initialed copy.* Gratification for appreciative remarks on Report. Subject, like all others, in abeyance. There has been no real government. Old administration restored. Mortification of Tories. p. 353

Quebec,
May 20.

Wm. Smith to Durham. *A.L.S.* Plea for Durham's influence in restoring him to his office of Chairman of the Council. His lengthy services. p. 357

London,
June 4.

Buller to Durham. *A.L.S.* Wishes to know when he can see him. Development of Government plan respecting Canada obliges Durham to decide on his course without delay. Excepting a decision for indefinite union, whole Report is thrown aside. Durham should dissent to delay. He himself will do nothing, without Durham's approval. p. 361

Niagara,
June 5.

Hugh Eccles to Durham. *A.L.S.* Appending series of resolutions adopted at a public meeting, attended by over 300 persons. p. 368

Resolutions: Approval of parts of Report stating (1) that province has been long governed by oligarchy designated the Family Compact, who dispose of all places of profit and emolument in Law and Church; (2) also, that present Assembly does not represent people of provinces as it was elected by exercise of undue influence on part of Government officials; (3) that much dissatisfaction still exists; (4) that Clergy Reserves should be turned over to local Legislature for disposal; (5) that judicial officers are unavoidably partisans; (6) that the two provinces should be united; (7) that the Banking System and administration of Land Granting department are defective; (8) that the desire of Reformers is for responsible Executive. The meeting deplores state of political education, and proposes a society to be called the "Durham Constitutional Club" to disseminate knowledge of public matters. p. 366

Liverpool,
June 7.

John Ross to Durham. *A.L.S.* Asking for a loan to carry on commercial transactions in Canada. In 1835 and 1836, he and James

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Cummings of Chippewa bought largely of real estate in Upper Canada, in expectation of large immigration. They were disappointed, and the Banks under compulsion of Head's orders respecting specie payments declined to continue credits, which caused widespread distress. Encloses statement of real estate belonging to him. p. 370

Enclosure:

Statement mentioned.

p. 373 Toronto,
February 8.

M. McGill to Durham. *A.L.S.* Asking him to present to House of Lords petition signed by 402 persons against further endowment to Church of Scotland. (In pencil in Durham's hand "Ack. rect. Will present"). p. 376

(Undated but
acknowledged,
June 7.)

James Durand to Durham. *A.L.S.* Regret for course being pursued by Government, in disregard of Report. Ill consequences anticipated. p. 378

No. 36 King's
Square,
London,
June 12.

W. H. Merritt to Durham. *A.L.S.* In spite of unfavorable reception in House of Assembly, Report warmly endorsed by mass of people. Anxiety to know measures to be taken by Government. Anticipation that Report could not deal adequately with Upper Canada happily disappointed, as, with exception of some "unimportant inaccuracies", it is quite satisfactory. Report pronounced by every prudent man of business as "the most able State Paper ever produced on Colonial affairs." p. 381

St. Catharines,
June 26.

Buller to Durham. *A.L.S.* Recent happenings in Parliament and changes in personnel of Government. p. 385

London,
August 26.

Buller to Durham. *A.L.S.* Retirement of Howick and Wood from Government. Macaulay succeeds Howick. Buller declined secretaryship to Board of Control on ground that he was not to be tongue-tied by such an office. Government cannot get along without Durham. p. 389

London,
August 29.

Couper to Durham. Private. *A.L.S.* Respecting accounts of Durham Mission. Sends comments on Report by Christie, which he asks to have returned. p. 393

Southampton,
August 31.

C. Poulett Thomson to Durham. *A.L.S.* Thanks for note. Anxious to avail himself of Durham's advice. Going to Windsor that day. p. 396

South
Audley St.,
September 3.

C. Poulett Thomson to Durham. *A.L.S.* Expects to embark on Thursday. Hopes to confer with Durham; "a couple of hours conversation with you will be invaluable to me." p. 397

South
Audley St.,
September 7.

Circular Memorandum. *In print.* Addressed by Lieutenant Governor to Heads of Civil Departments, and Executive Council. Enclosing copy of Despatch from Colonial Secretary, intimating that the tenure of Colonial Offices will be dependent not only upon good behaviour of incumbents, but upon considerations of public policy; also, that a change of Governor will be considered a sufficient reason for any alterations deemed expedient. Commenting on the terms of this Despatch, Harvey observes that, while enlarging powers of Governor, they impose upon him increased responsibility not only towards Queen's Government, but towards inhabitants of province; and ensure for him cordial support of every officer of government in carrying out policy decided upon. He thereupon states that the retention of office by incumbent is to be taken as acceptance by him of such policy. Those desiring to retire through inability to accept these conditions, will have every consideration in way of retiring allowance or pension. p. 398

Government
House,
Fredericton,
December 21.

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1839.

Downing
Street,
October 16.

Enclosure:

Russell to Harvey. *In print.* Giving the instruction mentioned, but stating that it does not apply to Judicial Offices, nor to places which do not involve duties in which the character and policy of Government are directly concerned. The functionaries chiefly, though not exclusively affected, are the Colonial Secretary, Treasurer or Receiver General, Surveyor General, Attorney and Solicitor Generals, Sheriff or Provost Marshal or those who under different designations perform the same duties. To the list is added, Members of the Council, especially where the Legislative and Executive Councils are distinct bodies. p. 398

Howick,
December 23.

Durham to His Royal Highness ————. Confidential. *A.L.S.* Respecting some suggestions made by Melbourne, which Durham considers may be acceded to. p. 399

St. Asaph,
December 20.

P. to Durham. Private and confidential. *A.L.S.* Asking advice respecting a letter he had received from Melbourne. p. 403

Pincarrow,
December 26.

Wakefield to Durham. *A.L.S.* Sending papers from Van Diemen's Land on Report. Principal newspaper in New South Wales prints Report in full; all others he has seen give large extracts with favourable comments. "It has now gone the round, from Canada, through the West Indies and South Africa, to the Australias, and has everywhere been received with acclamations." Hopes to get Buller to work with him on Responsible Government papers. p. 410

Chapel Street,
Saturday
Morning,
(Undated).
1839?

Wakefield to Durham. *A.L.S.* Account of conference between himself and Buller on Durham's position "in this crisis." Their conclusions were, that when Durham first returned he was formidable, as it was supposed he might take lead of popular party. He was courted by people who desired to induce him to remain quiet. They succeeded and he was no longer formidable. Unless he becomes formidable again, he will be ignored. He must take advantage of opportunities as they arise to revive his prestige. Their decision was that there should be formed an immediate union between the two men "who have got the greatest hold on the Liberal mind of this country." Has doubts whether Lord B. has pluck for the occasion. p. 414

Several papers relating to the expenses of the Durham Mission. p. 418

List of all Special Diplomatic Missions since 1792, with cost of each. p. 451

Cleveland
Row,

Couper to Durham. *A.L.S.* Respecting the accounts of Durham Mission. p. 453

Undated.
Cleveland,

Couper to Durham. *A.L.S.* Same subject. p. 456

Row,
Undated.

1840.
Calcutta,
January 18.

Turton to Durham. *A.L.S.* His personal affairs. Regrets that Durham and Buller were not included in ministerial arrangements. Prospects of war. p. 459

2 Wilton St.,
January 21.

Couper to Durham. *A.L.S.* Respecting an account relating to Durham Mission. p. 463

Ingester
House,
May 27.

Couper to Durham. *A.L.S.* Conveying messages from Duchess of Kent. Respecting an account relating to Durham Mission. p. 465

House of
Commons,
June 11.

Buller to Durham. *A.L.S.* Satisfaction at learning of Durham's restoration to health. Increase in general sympathy for Durham. Would-be assassin of Queen. p. 469

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- Buller to Durham. *A.L.S.* Account of meeting at Foreign Office. Expectation that Government will weather the session. Charmed with reception by Queen of Committee on address. p. 473
 1840.
 London,
 June?
- Buller to Durham. *A.L.S.* Anxiety as to Durham's health. Anticipation of defeat of Lord Stanley's bill. Government appears safe. Canada Bill will pass. Conduct of Duke and Lord Ellenborough most absurd and disgraceful. p. 480
 House of
 Commons,
 July 2.
- Buller to Durham. *A.L.S.* Account of meeting at Duke's where 140 peers were present. Duke implored them not to be guided by his vote. Many peers will be absent when vote taken and leave Government a majority. Opposition stirred up by Lord Seaton (Sir John Colborne). p. 485
 House of
 Commons,
 July 7.
- Buller to Durham. *A.L.S.* Durham's illness. Physician's assurance that there is no organic complaint. Congratulations on termination of Canada labours. Durham must forget depreciation of Whigs and Tories. His administration in Canada was eminent success, until marred by folly and roguery of people in England. His recommendation of Union is adopted. His suggestion for confederation of all provinces moves towards realization. Young is advocating it in Nova Scotia; Stephen of Colonial Office believes it inevitable. His view of necessity of responsible Executive acclaimed in every Colony. Russell's instructions to Thomson, practical though unwilling concession to this view. Principle will be so thoroughly adopted in Canada that people will wonder that affairs could be conducted on any other plan. Derbyshire assures him of deep satisfaction throughout Canada. Gossip of circuit. p. 489
 Exeter,
 July 20.
- Buller to Lady Mary Lambton. *A.L.S.* Largely personal; expressing gratitude to Durham, and desire to assist in putting him in his rightful place in hall of fame. p. 501
 Exeter,
 August 1.
- J. Richardson to C. P. Thomson. *A.L.S.* Applying for command of permanent corps should such be established; or for some situation under government. He has the recommendation of Arthur; and, moreover, a claim in the fact that he relinquished the position of correspondent of the *Times* rather than prostitute his position by injustice to Durham. p. 509
 Brockville,
 August 21.
- Buller to Lady Durham. *A.L.S.* Respecting certain articles in *Morning Chronicle*, to which Lady Durham draws attention, written in disparagement of Durham's services to Canada. p. 513
 Priory,
 Leatherhead,
 August 27.
- Buller to Lady Durham. *A.L.S.* Has seen Easthope publisher of *Morning Chronicle*, who declares he did not know of publication of offensive articles. p. 520
 12 Lower
 Eaton St.,
 August 31.
- Buller to Lady Durham. *A.L.S.* Sympathy with Lady Durham's indignation over articles. Account of meeting of city men, who showed warm appreciation of Durham when his name was mentioned. p. 524
 12 Lower
 Eaton St.,
 September 3.
- Couper to Lady Mary Lambton. Will endeavor to obtain extracts from Canadian newspapers from Sir James Stuart, who often expressed appreciation of obligation to Durham for rescuing him from undeserved obscurity. He himself testifies to uniformly pleasant relations with Durham. p. 532
 October 3.
- Buller to Lady Durham. *A.L.S.* Giving news from Wakefield who was in Canada in connection with affairs of Beauharnois Company. Question of memorial to Durham discussed with Sydenham who was warmly sympathetic. Durham, he is persuaded, lives in (1840?)
 12 Lower
 Eaton St.

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1840. hearts of Canadian people. "All but the brutes (he means by this the violent British), the jobbers, and poor Jean-Baptistes swear by his memory." p. 536
- Toronto,
November 12. Article on Lord Sydenham, comparing him disparagingly with Lord Durham. p. 540
- 1840? Buller to Lady Mary Lambton. *Extract.* He had letter from Mr. Daly, expressing strong feeling on Durham's death. Encloses an extract from the *Nova Scotian* on the late Earl of Durham. (*Extract herewith*). p. 541
1841. Buller to Lady Durham. *A.L.S.* Has been occupied with the dispute between the Colonial Office and the New Zealand Company. It has been settled to satisfaction of latter, which is to be incorporated by Royal Charter. Everything promises prosperity for community, and Durham's titles to fame will include his share in founding that colony. Little news from Canada. Elections there will take place shortly. Sydenham's arbitrary conduct and want of tact are irritating both parties. Anticipates that, with French Canadians certainly in opposition, Sydenham will be in minority. Proposition made for monument to Durham in Nova Scotia. Gratified to learn that Lord Falkland has adopted principle of Responsible Government in that province. News from Turton in India. Gossip on British politics; a novel by Miss Martineau, and Bulwer's play "Money," which Buller pronounces very bad. p. 547
- London,
March 6. Buller to Lady Durham. *A.L.S.* Explaining circumstances under which he made his speech at New Zealand. Ministry will probably last another year. Ellice, who has become reconciled to Melbourne, is determined that it shall. Gossip. p. 553
- 12 Lower
Eaton St.,
July 20. Buller to Lady Durham. *A.L.S.* News of election in Great Britain, which established Peel in power. Wakefield reports triumph of Responsible Government in Canada. Sydenham does not seem to have acted very wisely and has great difficulties from being unable to find any person trained up under the old system, capable of managing his Parliament. His fear is that the bungling of those who will have to manage the government of Canada, when the Tories come in, may bring the connection with the colony to an end. p. 557
1842. Buller to Lady Mary Lambton. *A.L.S.* Enclosing with much satisfaction an article of the same day in *The Morning Chronicle*, containing an account of the changes in the Canadian Executive, which now includes LaFontaine and Baldwin. Durham's policy vindicated by Tory. (*Article herewith*). p. 565
- Undated. A Tribute of Respect to His Excellency the Earl of Durham on the Anniversary of the Birth of Queen Victoria, by an humble seaman (Poem). p. 568
- Undated. Signal Flags of the club. p. 570
- Chateau de
Montesano par
Orthes,
(Undated). J. Henry to Durham. *A.L.S.* As General of the order of St. John of which Durham is Grand Prior, he suggests that Durham be candidate for the position of Grand Master, the present holder of which is old and infirm. The position has been filled by a Montmorenci, a Duguesclin, a Valois and a Condé. p. 571
- Berlin,
Monday 27.
(Month and
year omitted). Lord John Russell to Durham. *Private.* *A.L.S.* News of proposed visit of Emperor of Russia to Prussia with 6,000 men, to manoeuvre with Prussian troops. p. 574
- Undated. Plan for the Government of British North America. (The author of this plan is not known. The paper is a copy in the same hand as that of many other documents in the Durham Collection. Along with

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it is a summary, which includes some matter not in the original. As this summary has many marginal comments made by Durham, it is the paper from which the following digest is made).

The object in view of the writer is the formation of a government for the British North American colonies, which will provide for the supremacy of the Mother Country as well as protect the common interests of all the colonies, present and future. The plan contemplates the immediate union of Upper and Lower Canada, and subsequently, at their option, the Maritime Provinces and Newfoundland.

It is proposed to give (1) a Special Government for each province, which will have full control of its local affairs; (2) a General Government which will control all matters common to all or to two or more of the provinces; (3) a governor, appointed by the Crown, for each local government and for the General Government, with veto upon all legislative acts.

Provincial Government. Administration to consist of Governor and Executive Council. The latter to consist of not less than 5 members. The salaries of Governor and Executive Council to be fixed by legislature, and to be subject to revision every 6 years. Legislature to consist of Governor, Executive Council and Assembly. The function of the Executive Council to be to revise or amend, but not absolutely reject, all bills sent up from the Assembly. The Assembly to have full control of Provincial Revenue, subject to Civil List being open to revision every 6 years. Elections to be triennial at fixed dates, and Legislature to assemble at fixed date every year. Provincial Legislatures shall possess all powers not expressly bestowed on General Government, and shall not be under control of latter.

Judiciary. Judges to have fixed salaries, unchangeable within ten year periods; to retire at certain age, but eligible for reappointment by Assembly on message from Governor. To be removable on address, if concurred in by Governor. Judges and other Provincial Officers to be subject to impeachment by Local Assembly before General Assembly. Local and Circuit Courts to be established, the judges to be appointed either by inhabitants of district or by Crown, and be removable on petition of majority in district, where such judges function. General Government—to consist of Governor General appointed by Crown; Executive Council; Legislative Body and Judiciary.

Governor General and Executive Council to have powers within the larger sphere, identical with those of the Governor and Executive Council of each of the provinces. The General Legislative Assembly to consist of ten members from each province elected by the Assemblies. Its functions to be the same as those of the Provincial Assemblies, with the additional duty of sitting as a Court of Impeachment of Provincial Officers and Judges on the prosecution of the Provincial Assemblies.

General Government is not to possess any power not expressly conferred on it. It should have control of Militia; Currency and Banking; Internal and External Commerce; Boundary questions, whether Inter-Provincial or International; Customs duties; Bankruptcy and Insolvency; Transportation system whether Inter-Provincial or International; Post Office; Vice-Admiralty jurisdiction; administration of Crown Lands, so far as Crown would consent.

General Judiciary to consist of Supreme Court of (say) four judges, and such other Courts as would be found requisite. The

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functions of Supreme Court to be to try disputes between provinces; conflicts of right between General and Provincial Government; appeals from provinces and several inferior Courts; piracy; treason; offences against laws or matters made subject to General Government. The Judges would also assist for matters of law in Impeachments before General Assembly.

Durham criticized the plan freely. He objected—to abolition of Legislative Councils; to the limitation of the Executive Council to five, and to the final appointment of the members by Governor; to fixed periods for election and assembling of Legislatures; to ex officio members, although this is not specifically made part of the plan; to triennial parliaments, considering the existing period too short. Points to be carefully considered in this part of the plan were the devolution of control of whole revenue on Assemblies, and the distribution of powers and duties between the Provincial and General Legislatures. As to Judiciary, he considered judges' salaries should be permanent during term of office, and objected entirely to proposal of reappointment of judges, whose ages called for retirement. He disliked the scheme for impeachment preferring Legislative Council as Court, and saw no reason for circuit judges. All judges should, in his opinion, be appointed by Crown. As regards the Assembly of the General Government, he was convinced that the plan of election by Provincial Government was contrary to interests of people. The number of members should be from 45 to 60. Montreal, Quebec and Halifax should be congressional districts, returning two members each. Boundary questions are best determined by Queen and Privy Council. Post Office should be regulated throughout Empire by Parliament. Crown Lands—he doubts whether Crown would part with control over them. The General Judiciary would, he thought, consist of one judge, and he doubted the necessity for any other courts in this connection. He would not leave to Supreme Court settlement of disputes between provinces, as they could be best settled by joint Legislature. Appeals from provinces should be heard by Legislative Council of Central Government with final recourse to Privy Council. Treason should be tried in province where it is alleged to have occurred.

p. 578

Undated.

Form of marriage licence, bearing Durham's signature. p. 674

Abstract of Trusts for Charitable purposes vested in Municipal Corporations, with special reference to County of Durham. (England).

p. 675

No date.

A Bill for uniting the Legislatures of the Provinces of Upper and Lower Canada and for making more efficient provision for their Civil Government.

There is nothing in the document to indicate by whom it was drawn. It contains several peculiar provisions of which the principal are the following:—

The Legislative Council was to consist of the members of the Legislative Council of Upper Canada, and of the Special Council of Lower Canada, with such others as might be appointed. Regarding Assembly, the electoral arrangements as regards the number of members and their constituencies were to be unchanged. Lower Canada was to have a number of members equal to that in Upper Canada. Governor was to fix electoral districts, 200 voters to be the minimum in each. There were a variety of property qualifications for electors.

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In constituencies returning 2 members, where there were as many as 200 electors qualifying on lands held by seigniorial tenure, and 200 qualifying on lands held under free and common socage, each group should elect one member. In an accompanying schedule it was reckoned that under this plan, British and French Canadians would each have 31 members. But in the next section of the bill, provision was made for exceptional treatment of the constituencies of the District of Montreal, on account of its having been, in a particular sense, the scene of the rebellion. Governor was given power to suspend the issue of a writ into any of the constituencies of this District, as he saw fit, and to issue, in substitution therefor, a writ into any other District. According to the schedule mentioned, the result would be the return of 41 British and 21 French Canadian members.

Provision was made for the interfusion of each branch of Government and legislature by members of the other branches. Executive Council was to include, among other members, two each from Legislative Council and Assembly. In Assembly there were to be two members of Executive Council, and two from Legislative Council. For certain periods, measures relating exclusively to Upper Canada were subject to veto of Upper Canada members. p. 726

Confidential Memorandum by Harriet Martineau, respecting the relations between Durham and Brougham, 1833-1838. *Copy* ^{1868.} May 23.
from autograph original. (Bound separately.)

MAPS

- Extract from Map of British and French Possessions in North America, by J. Mitchell. p. 722 ^{1755.}
- Map of Northern Part of Maine and of adjacent British Provinces, showing portion claimed by Great Britain. p. 723 ^{1830.}
- Map of same territory, showing claim of American Government; award of King of Netherlands; claim of British Government. p. 724 ^{1838.}
- Sketch of Temiscouata Portage with proposed new road. p. 725 (1838.)

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SECTION 7.—MILITARY COMMISSIONS ISSUED BY LORD
DURHAM ON SEPTEMBER 1, 1838.

Couillard, Jean Baptiste. Ensign. 1st Batt. L'Islet Co.
Caron, Edouard. Lieutenant. 1 Batt. L'Islet Co.
Dennison, Simeon Miner. Captain. Militia Sherbrooke Co.
Terroux, Pierre. Ensign. 7th Batt. Montreal Co.
Tétu, François. Major. 2nd Batt. L'Islet Co.
McRae, Farquhar. Lieutenant-Colonel. Militia. Bonaventure Co.
Stewart, John. Captain. 3rd Batt. Lotbinière Co.
Dumas, Pierre. Lieutenant. 1st Batt. L'Islet Co.
Fournier, Louis. Ensign. 1st Batt. L'Islet Co.
Soulard, Charles François. Captain. 1st Batt. L'Islet Co.
Bonin, Louis. Lieutenant. 3rd Batt. Berthier Co.
Dalcour, Alex. Lieutenant. 3rd Batt. Berthier Co.
Marion, Jean Baptiste. Ensign. 3rd Batt. Berthier Co.
McDonald, William. Major. Militia. Bonaventure Co.
Johnston, Enoch. Lieutenant. 3rd Batt. Lotbinière Co.
Roy, Pierre Théophile. Captain. 7th Batt. Montreal Co.
Chouinard, Edouard. Ensign. 1st Batt. L'Islet Co.
Verreau, Antoine Gaspard. Captain. 1st Batt. L'Islet Co.
Dérosier, Joseph. Lieutenant. 1st Batt. L'Islet Co.
Rousseau, Joseph. Ensign. 1st Batt. Saguenay Co.
McPherson, John. Captain. 2nd Batt. L'Islet Co.
Fournier, Ovide. Ensign and Quartermaster. 1st Batt. L'Islet Co.
McKenzie, James. Lieutenant-Colonel. Militia.
Marion, Louis. Captain. 3rd Batt. Berthier Co.
Mercier, Joseph. Ensign. 1st Batt. L'Islet Co.
Cloutier, François Benoni. Ensign. 1st Batt. L'Islet Co.
Pelletier, Némesse. Ensign and Adjutant. 1st Batt. L'Islet Co.
Després, Edouard Couillard. Ensign. 1st Batt. L'Islet Co.
Girard, Louis. Surgeon. 1st Batt. L'Islet Co.
Morin, Jean Marie. Ensign. 1st Batt. L'Islet Co.
Fournier, Honoré. Lieutenant. 1st Batt. L'Islet Co.
McKey, Will. Ensign. 3rd Batt. Lotbinière Co.
Lavoy, Agapit. Major. 2nd Batt. L'Islet Co.
Bourgeois, Edouard. Captain. 3rd Batt. Chambly Co.
Fraser, John. Lieutenant. 7th Batt. Montreal Co.
Fournier, Pierre Célestin. Ensign and Paymaster. 1st Batt. L'Islet Co.
Lapensée, Venant Roy. Major. 7th Batt. Montreal Co.
Boisseau, Ignace Gaspard. Lieutenant-Colonel. 2nd Batt. L'Islet Co.
Osgood, Hawley. Ensign. Militia. Sherbrooke Co.
Pattee, Curtis. Paymaster. 3rd Batt. Chambly Co.
Yarwood, Steven. Captain. Militia. Sherbrooke Co.
Sewell, John. Lieutenant-Colonel. Militia.
Mercure, Pierre. Ensign. 3rd Batt. Portneuf Co.
Simon, André. Captain. 1st Batt. Saguenay Co.
Montizambert, Edouard Louis. Captain. Militia.

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Gaspé, Edouard de. Ensign. 1st Batt. L'Islet Co.
Vaughan, Samuel. Ensign. 3rd Batt. Chambly Co.
Cunningham, Percy. Lieutenant. Militia. Sherbrooke Co.
White, James. Ensign. Militia. Sherbrooke Co.
Newman, Ashborn. Ensign. 7th Batt. Montreal Co.
Prevost, Amable. Ensign & Quartermaster. 7th Batt. Montreal Co.

Lord, Henry. Lieutenant. Militia. Sherbrooke Co.
Dupéré, Henri. Captain. 1st Batt. Saguenay Co.
Wolff, George Jacob. Ensign. 1st Batt. Quebec Co.
Louvry, John. Ensign. 3rd Batt. Lotbinière Co.
Sommerville, James. Captain. 7th Batt. Montreal Co.
Bowen, Peter. Lieutenant. Militia. Sherbrooke Co.
Simoneau, Julien. Lieutenant. 3rd Batt. Lotbinière Co.
Titus, Harman. Lieutenant. 3rd Batt. Chambly Co.
Hicks, Robert. Lieutenant. 3rd Batt. Lotbinière Co.
Googins, James. Captain. 3rd Batt. Lotbinière Co.
Stevenson, William. Ensign. 3rd Batt. Lotbinière Co.
Whitcher, C. W. Lieutenant. Militia. Sherbrooke Co.
Dubé, Paschal. Quartermaster. 2nd Batt. L'Islet Co.
Blais, Joseph François. Captain. 2nd Batt. L'Islet Co.
Oliva, Jas. Captain. 2nd Batt. L'Islet Co.
Potvin, Thomas. Lieutenant. 1st Batt. Saguenay Co.
Boucher De La Broquerie. Major. 1st Batt. Chambly Co.
La Broquerie, Boucher de. Major. 1st Batt. Chambly Co.
Weilbrenner, Joseph. Captain. 1st Batt. Chambly Co.
Coote, John. Captain. 3rd Batt. Lotbinière Co.
Barlow, Joel. Captain. Militia. Sherbrooke Co.
Girard, Edouard. Ensign. 1st Batt. Saguenay Co.
Cottrell, Francis. Lieutenant-Colonel. 2nd Batt. Yamaska Co.
Viger, Pierre. Captain. 1st Batt. Chambly Co.
Boisvin, Claude. Lieutenant. 1st Batt. Saguenay Co.
Gauthier, Louis. Ensign. 1st Batt. Saguenay Co.
Lefrançois, Dominique. Lieutenant and Adjutant. 2nd Batt. Quebec Co.

Dupéré, Thomas. Lieutenant. 1st Batt. Saguenay Co.
Poolen, Edward. Captain. 3rd Batt. Lotbinière Co.
Tremblay, Luc. Ensign. 1st Batt. Saguenay Co.
Whiteford, John. Ensign. 1st Batt. St. Maurice Co.
Dupéré, Jean Baptiste. Major. 1st Batt. Saguenay Co.
Sloan, David. Captain. Militia. Sherbrooke Co.
Lotrop, Galen. Captain. Militia. Sherbrooke Co.
Perron, François. Lieutenant. 1st Batt. Saguenay Co.

Commission, in blank, appointing a Special Councillor for the affairs of Lower Canada 1838. Signed by Durham.

A MINUTE

ON THE STATE OF AFFAIRS IN LOWER CANADA IN
NOVEMBER 1836*Secret*

Reference
to former
Minute.

On the 30th of April last, Lord Glenelg transmitted to each of his colleagues a printed volume, containing a rapid historical *précis* of the Political Affairs of Lower Canada, from the conquest of the Canadian Provinces down to that period. To this *précis* was sub-joined an Appendix of illustrative documents. It may be fit to notice, incidentally, that as the greater part of that volume was not printed for the purpose, but was put together by the sacrifice of numerous copies of Parliamentary and other Returns from which they were detached, so it is scarcely practicable now to supply any additional copies. It is, however, assumed throughout the following pages, that the volume in question has been retained, and can be referred to by those for whose use it was so put together.

Object of
the present
Minute.

On this occasion it is proposed to continue the narrative of the Affairs of Lower Canada from the commencement of the existing Administration down to the present time; explaining in their proper place the occurrences in some of the adjacent British Provinces which have exercised, and must still exert, a powerful influence over the policy of His Majesty's Government towards Lower Canada. In the conclusion will be stated the questions upon which a final decision must be taken before the meeting of Parliament. Much of this information has already been communicated to those for whose use this Paper is drawn up, but it seems indispensable to a correct understanding of the whole case, to bring together in one connected view the substance and general effect of the various detached papers which have been circulated during the last eighteen months.

The Instruc-
tions to the
Governor
and Com-
missioners
in Lower
Canada—
their design
and general
effect.

In the volume to which reference has already been made, will be found a Copy of the Instructions addressed to the Earl of Gosford on his assumption of the Government of Lower Canada, and of the Instructions which were addressed to his Lordship, to Sir Charles Grey, and to Sir George Gipps, his colleagues in the Commission of Inquiry. They are, therefore, not reprinted in this place. It may be sufficient to notice, very generally, that the Commissioners were instructed to investigate every complaint which had been preferred by the House of Assembly either to Parliament, or to the King, excepting such as Lord Gosford in his separate capacity of Governor was instructed to redress immediately. The range of inquiry was, indeed, abundantly large; nor were there wanting, in the summer of 1835, motives which clearly pointed out the benefit of thus raising a barrier against the instances which might be anticipated from various quarters for immediate and decisive action. Among the subjects of inquiry incomparably the most important were, first, on what terms the proposed cession of the Hereditary Revenues of the Crown should be made; secondly, under what system of management the settlement of the vast territories yet remaining in their wild state should be placed; and thirdly, whether any change could properly and safely be made in the constitution of the Legislative Council.

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This last topic, though noticed in the instructions as open to debate, was yet treated as involving one of those great fundamental principles which are not to be thrown open to discussion, except in deference to extreme necessity, nor even then without the strongest protest against being supposed to countenance the changes of which the abstract possibility has been admitted, for the purposes of the immediate argument.

It was on the 23rd of August, 1835, that, in discharge of these instructions, Lord Gosford and his colleagues reached Quebec. If any reliance can be placed upon such indications of public feeling as could be gathered during the non-session of the Local Legislature, there was sufficient ground for the inference that the Commissioners would receive, if not a cordial, at least a respectful welcome from the Assembly, and that the prospects of conciliation were more bright and promising than at any period since the commencement of these controversies.

The Legislature met on the 27th October, 1835. There is reason to believe, although the fact be not susceptible of direct proof, that if the advice of M. Papineau had prevailed with his friends, this meeting would never have taken place. It is a fact, to which more recent occurrences have given peculiar importance, that the leader of the French party has, for the last three or four years, appeared to regard as the most effective weapon of hostility to the British Government, an actual abdication on the part of the Assembly of their functions, and the consequent inability of the collective Legislature to act. M. Papineau has probably estimated aright the effect which would be produced on the minds of his fellow-countrymen, by giving something of a dramatic effect to the proceedings of his partisans, and by enabling himself to speak of deserted halls, and of legislators retiring in despair—palpable images, which are of course chosen from their aptitude to inflame the minds of an illiterate people. Such was his policy in the months of March and October last, and such, but for an unwonted resistance on the part of some of his friends, it would have been in October 1835.

On meeting the Legislature, Lord Gosford addressed a speech to them, in which he stated at very great length the substance of the instructions of which he and his colleagues were the bearers; but he did not produce them *in extenso*. The Governor's vindication of this course of proceedings will be found in his Dispatch of the 19th of February last. It is not necessary to discuss in this place the wisdom of the course thus pursued. It might, perhaps, have been more judicious to have expressly directed Lord Gosford to divulge every word of his instructions on his first meeting with the Legislature; a course which was not taken only from the seeming impolicy of fettering too strictly the discretion of an agent in whom so much confidence was to be reposed. In preferring to convey to the Assembly rather a copious abridgement than the text of his instructions, Lord Gosford was influenced by the considerations which he has explained. It must, however, be added that he seems to have been also guided, though unconsciously, by a solicitude to win the suffrages of all parties by compromise, and by avoiding whatever might be offensive to either. It need scarcely be added that the attempt proved equally offensive to both.

The arrival and the reception of the Commissioners.

Meeting of the Legislature unsuccessfully resisted by M. Papineau.

Lord Gosford's opening Speech, an abridgement of his Instructions.

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Answers of
the Council
and Assem-
bly.

The Council returned an answer, which was an echo of the Governor's speech. The answer of the Assembly was conceived in a different manner. In terms it was courteous and respectful; and, while reasserting their claims to the absolute control of the whole Revenue, and to a change in the constitution of the Legislative Council, the Assembly studiously avoided giving any pledge to provide for the arrears due to the public officers, and omitted altogether to notice that part of the Governor's speech which related to the Commission of Inquiry. The silence of the House on this topic was privately explained to Lord Gosford as designed to avoid the recognition of a body, the functions of which might seem to encroach upon those of the Local Legislature.

The general
proceedings
of the
Session.

It would answer no good purpose to enter upon a very minute review of the proceedings of the Assembly in the Session which ensued; nor, indeed, are the necessary materials for that purpose to be found in this country, as the Journals of the House, for the year, have not yet arrived. It may be sufficient to say that the debates and proceedings of the House seem to have been marked by the violence and tediousness which have always characterized them, but which, during the last year, were encouraged by M. Papineau and his adherents, as much from policy as from temperament and habit. His and their measures have ever been regulated, to a great extent, by the counsels of those in whom their confidence is reposed in this country, and by the tone of the deliberations in Parliament respecting Canadian affairs. The Session of the Assembly was therefore protracted, and the question of granting Supplies postponed, first, until Lord Gosford's speech could be transmitted to Mr. Roebuck, and his advice obtained, and then until it could be ascertained what effect would be produced on the House of Commons by the motions and speeches for which that gentleman seems to have undertaken.

Contingent
expenses of
the House
allowed.

No delay, however, occurred on the part of the House, in applying for money for their own contingent expenses—a term of convenient ambiguity and latitude, within which were comprised their payments to Mr. Roebuck, and probably other heads of expenditure which ought to have been the subject of a general Appropriation Act. Lord Gosford, in obedience to his instructions, declared that he “cheerfully” acceded to the application; a phrase, for the use of which he was much censured by the English party, although *he* certainly was not responsible for the selection of it.

Report of
the Com-
mittee on
Supplies.

It was not until the 5th January last that the Committee, to which that part of the Governor's speech which related to the expenses of the Local Government had been referred, made their Report to the House. Certain resolutions on the subject were then proposed by M. Morin. These resolutions repeated, in the most broad and unequivocal terms, the doctrine, that the appropriation of the whole Provincial Revenue belonged of right to the House. It recommended the payment of such of the arrears as the House might consider to have been incurred consistently with those financial principles to the maintenance of which they were pledged; and to the same extent, but no further, the Committee advised that the advances made from the Military Chest should be reimbursed.

Promising
aspect of
Affairs in the
Assembly in
February
1836.

It is evident that, during the interval which had elapsed since Lord Gosford's arrival in the Province, a very considerable impression had been made upon the minds of a large part of the Assembly favourable to conciliation. The dominion of M. Papineau in that House had

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hitherto been absolute and unassailed; but on the 25th of January a very remarkable proof was given that his authority was in danger, and that many of his adherents had dared to think and act for themselves. The question in debate was, whether the Report of the Committee on Public Accounts should then be taken into consideration, or whether it should be postponed for a call of the House. Two divisions took place: on the first the majority was 29, and the minority 28; on the second, the minority continuing the same, the majority was increased to 31. These divisions were in reality a triumph, and appeared to give the earnest of a victory even on the approaching call; because, although the absentees were generally of the party of M. Papineau, yet there was every reason to think that, coming together with so unexpected and so powerful a minority to encounter, they would abstain from all extreme and violent courses. The Assembly met according to the resolution of the majority of the House on the 11th of February, when the question of granting the Supplies was again postponed to the 15th. A new train then took fire, by which the promising aspect of affairs in Lower Canada was overcast, and the hopes which till then Lord Gosford had cherished, were subverted.

On the arrival of Sir F. Head in Upper Canada, to assume the Government of that Province, he found the Local Legislature in session. His instructions embraced all the grievances peculiar to the Upper Province; but, as the two questions which respected the control of the Revenue and the constitution of the Legislative Council were common to both, so much of the Instructions of the Lower Canadian Commissioners as related to those topics were subjoined to Sir F. Head's instructions, as an Appendix. He had been directed to communicate to the Local Legislature the *substance* of those instructions. He, however, without a moment's delay, and without any previous communication with Lord Gosford, sent to both Houses complete literal copies of Lord Glenelg's Despatches to himself, including the quotations from the Instructions to the Commissioners. This was done with the distinct perception that it would probably much embarrass Lord Gosford. But Sir F. Head's opinion was, that there was no safety except in the most unreserved and candid dealing, and he thought it better to incur every risk in either Province which that system might involve, than to submit to the evils which he regarded as inseparable from a less open mode of proceeding.

It would be to no purpose to discuss the wisdom of this opinion, or the propriety of the measure in defence of which it was alleged. It may not, however, be unimportant to notice that this collision of judgment and of conduct between the two Governors could not have been anticipated before Sir F. Head's departure, because at that time it was not known what course had been pursued by Lord Gosford. It was, however, certain that Sir F. Head, on his arrival at Toronto, would acquire that information, and it was assumed that he would obey his instructions, by acting in concert and in correspondence with the Governor of the Lower Province.

The effect of Sir F. Head's publication of the extracts from the Commissioners' Instructions was, however, to prop the declining influence of M. Papineau, and to supply him with the means of reclaiming the partisans who had begun to desert his standard.

The Speaker of the House of Assembly of Upper Canada made an official communication of the extracts to M. Papineau, as Speaker of the Lower Canadian House. On collating this part of the text of the Commissioners' instructions with the abridgment contained in

Sir F. Head communicates the text of his Instructions to the Assembly of Upper Canada.

The propriety of this course not to be now discussed.

The effect of it in Lower Canada.

Complaints and hostile proceedings of the Lower Canadian Assembly.

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Lord Gosford's speech, it was vehemently declared that the epitome was unfaithful; that it had been drawn up with the intention of misleading the Assembly; and that no faith could be reposed in the integrity of the Local Government, or in the intentions of the Government in this country. These suggestions were probably made not without some belief in their truth by the authors of them, and were received with implicit credit by the numerous body of their ignorant followers and dependents. The question of voting Supplies was adjourned. The House resolved itself into a committee on the state of the Province, and, after a protracted debate, they reported on the 26th of February two Resolutions and an Address to the King. By those Resolutions passing over in silence the subject of Arrears, the Committee determined to vote Supplies for six months only, and to pass a Supply Bill in which no mention should be made of the particular funds to be appropriated to this service. Thus the question of their right to dispose of the Territorial Revenue would be pretermitted for the moment; but they added a protest that this should not be drawn into a precedent.

Divisions in
the House.

Upon the bringing up of this Report an amendment was moved, of which the effect was to pledge the House to pay the Arrears, and to grant the Supplies in advance, not for six months, but for twelve months. In favour of the amendment the votes were 27; against it, 40. The original resolutions were then adopted; the minority being 7, and the majority 55.

Bill of Supply
for half a
year rejected
by the
Council.
Prorogation.

A Bill, founded on these resolutions, passed the Assembly on the 3d of March, but was rejected by the Legislative Council on the 9th of that month.

The Assembly also adopted the Address to the King; and on the 7th of March it was presented to Lord Gosford. The great body of the members then left Quebec, so as to render any further meetings of the Legislature impracticable. Accordingly, on the 21st of March, Lord Gosford closed the Session by a prorogation.

Proroguing
Speech.

In his proroguing speech the Governor intimated his intention of applying the Territorial Revenue, as far as it would extend, in payment of the claims of the Civil officers. In this respect his Lordship acted in strict conformity to the instructions which he had received for his guidance in any such contingency.

Substance of
the Address
to the King.

In order to convey an accurate view of the results of this Session, it will be convenient here to state the substance of the Address to the Crown, which was the last act of the Assembly. That Address commenced by repeating the adherence of the Assembly to all their previous demands; alluded to the feelings of confidence which had been produced in their minds by Lord Gosford's speech at the opening of the Session, and expressed their disappointment at discovering, from the Extracts of the Commissioners' Instructions, which had been published, that "the researches authorized by Your Majesty, "for the purpose of ascertaining the means of doing justice to your "Canadian subjects, were, on several of the most essential points, "limited by preconceived opinions and anticipated decisions." It reiterated at considerable length the demand that the Legislative Council should be made elective,—controverting the arguments on this subject contained in the Instructions to the Commissioners. It demanded that the Executive Council should be rendered a responsible body; that the Canada Trade and Tenures Acts, and also the Act for

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the establishment of the British American Land Company, should be forthwith repealed. It complained of the system under which the Public Lands had been disposed of; asserted that they were to be considered, not as the property of the Crown, but as belonging to the State, but explained that the control which the Assembly desired to obtain over them, consisted, not in assuming the administration, but in obtaining a recognition of the right of the House to legislate on the subject. His Majesty's attention was solicited to the coincidence of feeling on public matters between the Upper and Lower Province, and the unqualified surrender of the whole of the Casual and Territorial Revenue was demanded as the only means of satisfying the public mind. The Address then proceeded to express the willingness of the Assembly to receive and consider with attention any communication which might be made to them on that subject by His Majesty's commands; but the House declined to pledge themselves to maintain the charges at present defrayed from the Crown Revenue. It concluded by stating that, in order to allow a sufficient opportunity for the concession of the Assembly's demands, they had granted supplies for six months, and trusted that they would be called together for their next Session at an early period.

The tone of this Address, and, indeed, all the proceedings of the Session, appear to have been to no inconsiderable degree suggested by the confidence which M. Papineau and his adherents felt in the sympathy and support of the Assemblies of the adjacent British Provinces. So strong was this conviction that, before the close of the Session, M. Papineau wrote officially to the Speaker of those Assemblies, commenting in terms of extreme violence on Lord Glenelg's Instructions of the 17th of July 1835, and calling on those bodies to co-operate with the Assembly of Lower Canada in procuring a better system of government.

The reliance placed on the support of the other Provinces. M. Papineau's circular letter.

Pending these proceedings in the Legislature the Commissioners had been engaged in pursuing the inquiries which they had been instructed to institute. Their other Reports will be subsequently noticed. In this place it will be most convenient to advert to their Report upon the financial difficulties of the Province as they appeared at the close of the Session of 1836. Their report on that subject bears date on the 13th of March last; that is, within four days after the rejection by the Council of the Bill of Supply for six months. The following is a summary of the contents of that document:—

Report of the Commissioners on the state of Financial Affairs at the end of the Session.

After describing the distress entailed on the Civil Officers by the refusal of the Supplies, and expressing their opinion of the unjustifiable nature of such an attempt to extort, from the embarrassments of the Executive Government, organic changes in the constitution which that Government had not even the power to effect, the Commissioners proceeded to consider the alternatives which remain open to His Majesty's Government. These are,—

Substance of that Report.

- 1st. A compliance with the demands of the Assembly.
- 2nd. A Legislative Union of the two Provinces.
- 3rd. The erection, in Lower Canada, of a number of Districts or Cantons with Municipal Institutions and Charters for the management of their internal affairs, from each of which a certain number of Members should be returned to the Assembly.

4th. An amendment or suspension of the Act 1 & 2 Wm. IV., c. 23, by which the appropriation of the Duties levied under the 14 Geo. III., c. 88, was given up to the Assembly.

Substance of the Report continued.

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The same.

After discussing, in a few words, and dismissing the first three propositions, the Commissioners concurred in recommending the last as the only course open to the Government. They were not, however, unanimous in their reasoning on the subject, nor in their anticipation of the consequences, although they appear to have been alive to the hazardous nature of the measure. The following are the terms in which the question is treated in the joint Report:—

The same.

“So great, indeed, will be the powers remaining to the Assembly, that doubts have been suggested whether the alteration of the “1 & 2 Wm. IV., c. 23, though it may abate the immediate difficulties “of the Province, will be of any permanent avail. In this point of “view it is observed, that the Assembly may continue its war upon “the co-ordinate branches of the Legislature with more violence than “ever; that the resumption of the duties under the 14 Geo. III., c. 88, “will only restore the Government to the same position in which it “maintained an unsuccessful conflict with the Assembly in former “years; and, therefore, that it would be better at once to advance a “step further, and suspend the Constitutional Act of 1791 for a “limited number of years.

The same.

“We know not whether we may venture to expect it, but it is “proper to hope, that the reasoning may be mistaken which assumes “that the Assembly will push to further extremities a desperate contest with the Imperial Power. By the measure under consideration, “it would for the first time learn that the mother country may exercise another office besides that of yielding; and that when there “has been every recent mark of respect and concession on the one “hand, it may be prudent to meet it with some forbearance on the “other. If this should not be the issue, but, on the contrary, the “Assembly should drive the mother country to either renewed efforts “of control, or else the abandonment of every part of the Constitution which the third branch of the Legislature may invade, it “will be time enough to determine upon the measures required by “such an emergency when their necessity shall be proved by the “event, and not upon its mere apprehension.”

Sir G.
Gipps's
separate
Minute.

In a separate Minute Sir G. Gipps has thus expressed his opinion of the measure:—

“The Assembly, even when deprived of the revenues of 14 Geo. “III., will retain its control over funds nearly twice as great as those “in the hands of the Executive; and, although the House may not “have power to dispose of them at its discretion, it will at any rate “be able to lock them up, and especially prevent the application of “them to any purpose favourable to the Government or to the “interests of the British party. It may also refuse to pass Bills “required by the commercial interest; such, for instance, as Bills “for the renewal of the charters of the Quebec and Montreal Banks, “both of which will expire in July, 1837. When I consider, therefore, the bitter hostility, or rather fury, with which the Assembly “will be animated against the British Government and against British “interests, the invectives which under the direction of its practised “leaders it will pour forth against England, the power it will possess “of spreading disaffection within the Province, and inviting interference from without, I am at a loss to imagine how the Government can be carried on with advantage; and I cannot help fearing “that we shall ultimately be driven to abandon the country with all

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"the shame of failure upon us, or to maintain it at a cost infinitely beyond its value.

"It may be said, on the other hand, that I have drawn an exaggerated picture of the difficulties which the Government will have to encounter; that these difficulties will be found to melt away under a firm, yet liberal and impartial Administration, or that a sense of patriotism, or even of self-interest, will lead parties to act in harmony, and this more especially should the sense of Parliament against their recent proceedings be unequivocally pronounced; all this may, I admit, (and sincerely do I hope it,) come to pass under a wise and firm Administration; but, nevertheless, I cannot but feel an apprehension that it will be otherwise, and, entertaining such a feeling, I think it right to express it."

On the arrival of the preceding Report in this country, the first remark suggested by it was that it altogether omitted to notice the effects of which the measures, if proposed, might be productive in Upper Canada and in New Brunswick. It may therefore be convenient, at this stage of the narrative, to pause, in order to exhibit as compendiously as possible what was the aspect of affairs in those Provinces at the time when Lord Glenelg received the Report, of which the preceding epitome has been made.

In Upper Canada the Government party had, up to the year 1834, been generally able to command a majority in the House of Assembly; but a dissolution having taken place in the close of that year, the relative strength of the antagonist parties was reversed. Those who had been considered as the supporters of the Government, now, for the first time, found themselves in a considerable minority. The successive expulsions of Mr. Mackenzie from the preceding House of Assembly were forthwith expunged from the Journals. A Committee of Grievances was appointed, with Mr. Mackenzie as chairman, to whom were referred a mass of public documents, and by whom an inquiry was instituted into the whole administration of Public Affairs in the Province. After sitting for several weeks, and examining many witnesses, among whom were almost all the superior public functionaries, this Committee presented to the House a Report, to which was attached a voluminous Appendix, impugning, in almost every particular, the conduct of the Government, both in the Province and in the Mother Country; and this Report and Appendix were immediately ordered by the Assembly to be printed in great numbers, and in pamphlet form, for distribution in the Province and in the United States. The Report was not presented by the House to the Lieutenant-Governor; but, a printed copy of it having been forwarded by him to His Majesty's Government, immediate measures were taken for investigating and redressing all the abuses indicated in it. Sir F. Head was selected to carry these measures into execution, and, as has been already stated, arrived at Toronto in January last. Having found that the Executive Council, as then constituted, was inefficient, he summoned to it, on the 22d of February, three new members, Messrs. Dunn, Baldwin, and Rolph, gentlemen who had been heretofore distinguished as active members of the Liberal party.

At the time these gentlemen accepted office, Sir F. Head was aware that at least two of them entertained peculiar opinions as to the duties of an Executive Councillor. This difficulty, however, was apparently obviated, and they were sworn in; but, within

The silence of the Report respecting the adjacent Provinces.

State of Affairs in Upper Canada.

Sir F. Head's contest with the Upper Canadian Assembly.

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twelve days from their accession to the Council, an Address, signed by all the members, was presented to Sir F. Head, claiming, as the right of the Executive Council under the Constitutional Act, to be consulted on all the Affairs of the Province, stating that it was the general belief that they exercised this right; and praying, if the Lieutenant-Governor should consider their claim inadmissible, that they might be "allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them." This Address, although not explicitly avowing that object, was understood by Sir F. Head as an attempt to introduce the principle of responsibility, on the part of the Executive Council, to the House of Assembly, in the same manner as the Ministry in England is responsible to the House of Commons. He accordingly exposed in a very detailed and argumentative answer the fallacy of such a system. Four of the members of the Council immediately disclaimed the doctrine, and offered to retract their assent to the Address; but, Sir F. Head having insisted that the Address should be withdrawn in as formal a manner as it was presented, the whole of the Executive Council resigned. The House of Assembly took up the Affair, and in a Message, the tone of which was very menacing, demanded to be put in possession of all the information on the subject.

State of
Affairs in
New Brunswick.

The intelligence of these events was received at the Colonial Office simultaneously with Lord Gosford's Dispatch, announcing the loss of the Supply Bill. About the same time, a Dispatch from the Lieutenant-Governor of New Brunswick transmitted an Address to the King from the House of Assembly of that Province, inculpatory of the manner in which the Administration had been carried on; claiming the appropriation of all the Casual and Territorial Revenue levied within the Province, and soliciting the introduction of certain modifications in the Legislative and Executive Councils. It was also announced, that the Assembly of New Brunswick had deputed two of their Members to support the prayer of their Address in this country.

Decision of
the Government
on the Com-
missioners'
Report.

Such having been the general aspect of British North American affairs when the Report already mentioned reached this country, the Government determined *not* to act on its recommendations. It may, perhaps, serve to explain the grounds of this decision if the following extract from a Minute, communicated at that time by Lord Glenelg to his colleagues, be perused as a record of them. Whether all the Members of the Government concurred in all those objections it may not be necessary for the present to inquire. They are quoted here as having been drawn up at a moment when the whole subject was fresh in Lord Glenelg's recollection, and therefore as conveying his views with the greatest practicable accuracy. His Lordship's Minute on that occasion contained the following passages:—

Statement
of Lord
Glenelg's
reasons in
support of
that de-
cision.

"A measure thus doubtfully recommended, and of which even the advisers do not venture to predict the consequences, can be received by His Majesty's Government only with extreme distrust. Embracing in their view the whole aspect of British North American politics, it may probably appear to them that the difficulties of the question have been rather understated than exaggerated. The Reports whether joint or separate, scarcely allude to the effects which the measure will produce in the adjacent Provinces. Yet it is impossible to doubt what that effect will be. The temper of Upper Canada is

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scarcely less excited than that of the Lower Province. The cession of the Revenues of 1774 was made to them both at the same moment, and by the statute which it is proposed to repeal. If the Lower Canadians will resent that appeal as an immediate injury, the inhabitants of the Upper Province will not less strongly resent it as an implied and injurious menace. The principle will apply equally to both, though, for the moment, the effect might be confined to one. Throughout British North America it will be represented, perhaps with truth, but doubtless with plausibility and success, as a violation of the solemn pledges of 1778 and of 1791, and as a disregard of the principles laid down by the Canada Committee of 1828, and afterwards confirmed by Sir George Murray, by Lord Ripon, and by Lord Glenelg. The charge of broken faith will be echoed from every part of the North American continent. The proof will be short, simple, and intelligible; the refutation long and unavoidably obscure. If the popular leaders are disarmed of some financial authority, their moral influence will be increased in a tenfold proportion. But even the financial weapons of offence will not have been wrested from their hands. In years of tranquillity the Annual Expenditure of Lower Canada falls but little short of £180,000. Even after the repeal of the 1st and 2d Will. IV., it would yet be in the power of the Assembly to stop more than two-thirds of the whole Annual Supplies. It is true that the blow would be directed, not against the King's officers, but at their own constituents. They would suspend all public works; they would leave the roads, bridges, and canals without repair; the lighthouses would be shut up; the quarantine establishments would be abandoned; and all the parochial schools closed; the country would be placed under a kind of interdict. Public fury would be directed, not against M. Papineau and his friends as the immediate authors, but against the British Government as the promoters of these public calamities.

"There is, moreover, another objection to the measure of no slight importance. Hitherto the British Legislature has been no parties to the Canadian controversy. The House of Commons had even anxiously abstained from an engagement in it. The Committees of 1828 and of 1834 dissuaded any Parliamentary interference, and advised that the subject should be referred exclusively to the conduct of the Executive Government. This kind of neutrality of Parliament was dictated by much apparent wisdom. It has left open a resource to which resort might be had upon an extreme emergency. It has given to the contest an administrative, rather than a national, character. It leaves the door of hope open, and raises a barrier against those precipitate movements to which, in the excitement of local dissensions, men might otherwise be hurried. The reverence with which the House of Commons, especially in its reformed character, is even yet regarded in British North America, is a spell not to be broken, except at the bidding of inevitable necessity. To invoke the aid of Parliament in vain, would be to commit the Legislature to a strife from which, when once engaged in it, they could scarcely retreat at all, and could certainly not retreat, except with a complete triumph, or with signal disgrace. Any Minister who should apply to Parliament for support, would have given to the whole controversy a new, critical and irretrievable character, whatever might be the result of his application. The same.

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- The same. "But the repeal of the Statute 1 and 2 Wm. IV. is not the only scheme suggested by the Commissioners: Sir George Gipps and Sir Charles Grey, each in his separate Minute, has proposed an application to Parliament for a Vote of Money. Sir George Gipps has, however, passed from that suggestion, with the remark that it is probably impracticable. He apparently doubted the willingness of the House of Commons to make such an advance. Sir Charles Grey has referred to the same scheme merely as a resource to be substituted for the other plan, in the event of any unexpected objection to it.
- The same. "Waiving the question how far the House of Commons might be disposed to vote the money, the other objections to this mode of proceeding are far from inconsiderable.
- The same. "In the first place it would commit Parliament to the controversy with the Colonies,—a result to be deprecated for the reasons above noticed.
- The same. "Next, although free from those imputations of breach of national faith by which the other scheme would be assailed, it would provoke a resentment and resistance scarcely less bitter and obstinate. The purse of Great Britain is a sharper weapon than her sword; and the use of it, to defeat what the Assembly considers and asserts as a constitutional right, would be regarded throughout the Province as an injury the more intolerable because so apparently easy of perpetration, and to the continuance of which they at least would think that there was no assignable limit: nor can it be denied that such an intervention, unless employed most cautiously and infrequently would reduce the powers of the Assembly to an empty boast.
- The same. "The whole Annual Expenditure of the Province might be borne by this country with no perceptible addition to our burthens; and, however certain it might be that the danger was imaginary, they would really think and plausibly represent it to be the purpose of the Government to overwhelm with money privileges otherwise unassailable.
- The same. "In fact, however, it cannot be doubted that an Annual Estimate for Canada, or even a Second Vote for that service, would not be adopted by the House of Commons, and could not be recommended to them. This plan, therefore, while it would meet the evil of the moment, would have left the future unprovided for, and with the next Session of the Assembly would infallibly arrive the day of revenge.
- The same. "To either of the methods suggested there is yet a further objection of great apparent force. It would have been impossible to invoke the interposition of Parliament, except upon a full explanation of the policy which the Government intended to pursue towards the North American Provinces. The Legislature could hardly be expected, or asked, to commit themselves as parties to a contest of which the principles and the objects should not be disclosed to them. It is, however, scarcely practicable for the Government at present to make such a disclosure."
- Time gained to be made and the use of it. For these reasons, or, at least, for these amongst other reasons, the Government decided not to adopt the recommendations of the Commissioners. The course *actually* pursued was recommended, so far as respects Lower Canada, by its effect in gaining time: so far as related to Upper Canada and New Brunswick, it afforded the opportunity of so using the time thus gained as effectually to detach those

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provinces from the confederacy to which they had been invited, and to which they appeared prompt to accede. Unless these motives be borne in mind, neither the prudence, nor, indeed, the object, of the instructions conveyed to Lord Gosford would be intelligible.

Lord Glenelg accordingly addressed to Lord Gosford a Dispatch, dated the 8th of June last, of which the following is the substance:— His Lordship stated that it was evident, that, in their Address to the King, and its accompanying measures, the Assembly of Lower Canada had proceeded on an imperfect knowledge of the letter and spirit of the Instructions of 17th July 1835; that, had they been in possession of the whole of those Instructions, they would have seen that, in his Dispatch to the Commissioners, collectively, Lord Glenelg had studiously guarded against any idea that the inquiries of the Commissioners were in any way restricted; that it appeared, therefore, not impossible that, on a review of the matter, with more ample information, the Assembly might see fit to depart from that posture of uncompromising hostility which they had latterly adopted; and that, at all events, His Majesty's Ministers felt it to be their duty not to plunge into a contest, of which the consequences were so uncertain and so hazardous, until every other resource had been exhausted. Accordingly, Lord Gosford was directed to lay before the Assembly complete copies of the Instructions of July 1835, inviting them at the same time to reconsider their decision respecting the Arrears and the Supply Bill. Lord Glenelg explained the considerations which had prevented His Majesty's Government from adopting the recommendation of the Commissioners; but stated, that, sensible to the difficulty of issuing minute instructions in anticipation of events of which the scene was so distant, His Majesty's Government had decided, after prescribing the general principles to be followed in Canadian affairs, to leave to Lord Gosford's own discretion the measures by which those principles were to be carried into effect.

Lord
Glenelg's
Instructions
of the 8th of
June.

On the 22nd of September last, Lord Gosford, in obedience to the preceding Instruction, held a Session of the Local Legislature. It terminated, after a very few days, by the departure of the great majority of Members from Quebec, which rendered any further sittings of the Assembly impossible, and by a consequent prorogation, which took place on the 4th of October. The communications which passed between the Governor and the Assembly will be found at length in the Appendix to this Minute. The substance of them was as follows:—

Session of
September
1836.

In his opening speech, Lord Gosford stated, that the object of convening the Legislature at that unusual season was to lay before them the Answer of His Majesty to the Address from the Assembly of the preceding Session: he also announced that, in conformity with the King's commands, he should furnish them with full copies of the Instructions, of the 17th July 1835, to himself and to the Commissioners. He again called on the Assembly to provide for the expenses of the current year, as well as for the arrears of past years; and expressed the confidence of His Majesty that their former proceedings on this subject having been adopted under a misconception of the Instructions issued to him, the Assembly would not adhere to those proceedings when they should be made fully acquainted with the views and intentions of His Majesty's Government. He stated, that the Legislature having been convened for the special purpose of receiving His Majesty's answer to the Address of the Assembly, and of affording to that House an opportunity of reconsidering their previous decisions

Lord Gosford's
opening
speech.

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on the financial question, it was not his intention to submit to their consideration any other matters; and he concluded by reaffirming the correctness with which his Instructions had been expounded in the speech with which he opened the Session of 1835-6

Answer of
the Council
and Assem-
bly.

The answer of the Legislative Council was, in substance, an echo of the speech; that of the Assembly was of a different character. It commenced by repeating their adherence to the principles embodied in their preceding Address, and expressed the hopes of the House that His Majesty's Answer would tend to remove the obstacles which had hitherto prevented the correction of abuses, while it professed to defer, until the receipt of the promised communications, any detailed consideration of the subjects adverted to by Lord Gosford: it reiterated the former complaints against the Legislative Council, and urged the inutility of attempting partial reforms so long as the source of the evils should continue unchanged. And it expressed the confidence of the House that, if their hopes in regard to the nature of the King's Answer should be realized, the efforts of Lord Gosford for the welfare of the Province could not fail of success.

Further
Address
from the
Assembly,
refusing
supplies.

In pursuance of the intention expressed in his opening speech, Lord Gosford, on the 26th September, transmitted to the Assembly a copy of His Majesty's Answer to the Address of that House. It was immediately referred to a Committee of the whole House, who reported an Address in answer to it, which was adopted on the 30th September by a majority of fifty-seven to six. In this Address, as in the former one, the Assembly commenced by assuring the Governor that they adhered to the exposition of their "views, opinions, and wants," embodied in the Address of the 26th February 1836, and that they considered it their duty to persist in all their former demands, and more particularly in that relative to the introduction of the Elective principle into the Legislative Council. They called for the immediate repeal of the Tenures Act and of the Act for incorporating the British American Land Company, observing, with reference to the former Act, and in proof of the vicious constitution of the Legislative Council, that although His Majesty had expressed his willingness to accede to any Bill which might be passed for its repeal by the Provincial Legislature, yet that this concession was neutralized by the refusal of the Council to co-operate with the Assembly in passing such a Bill. They alluded to the presence in the Province of "certain pretended Authorities," and complained that, being themselves the legitimate and authorized organs of the wishes and wants of the Lower Canadian People, His Majesty's Government should have rejected their prayers to defer to the opinions of "strangers to the country." They complained of the application of the Crown Revenues to the payment of the Civil Officers, and on the subject of the renewed application for the current expenses and arrears of the Civil Establishment, they expressed themselves as follows:—

The same.

"In reference now to the demand which your Excellency has renewed under existing circumstances for a Supply, relying on the salutary maxim, that the correction of abuses and the redress of grievances ought to precede the grant thereof, we have been of opinion that there is nothing to authorize us to alter our resolution of the last Session. Your Excellency will bear in mind that our determination to obtain justice, by means warranted by the best approved precedents and by the spirit of the Constitution itself, was

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"taken at a more distant epoch, and that, as a mark of our confidence in you, we temporarily departed from that determination by voting a Supply for six months. We assure your Excellency, as well as His Majesty's Government, that in that Act, which we look upon as a mark of our liberality, we were prompted by no minor consideration, nor by any unjust or incorrect interpretation of the intentions of His Majesty's Ministers. The conclusion of our said Address contains an explanation of our motives and of the difficulties which it was not in our power to ward off: the same circumstances, as well as the previous consideration of the salutary principle above referred to, render it incumbent on us, in the present conjuncture, to adjourn our deliberations until His Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone can crown it with success."

In consequence of this Address, Lord Gosford on the 4th October prorogued the Legislature; but in so doing he called the attention of the House of Assembly to the public inconvenience which must inevitably result, should they persist in their determination not to exercise their Legislative functions unless their demands be first complied with.

Prorogation.

If no addition remained to be made to the preceding narrative, it must be confessed that the prospect would be only not desperate. With the opposition of the Assemblies of the three Provinces to encounter, nothing would be left to the Government but to yield to their demands; and, concession following upon such a struggle, would be but another term for the abdication of all authority. Within twelve months afterwards M. Papineau would be in substance the President of a new Republic, and would within a very short interval assume the title.

Use made of the time gained by these proceedings.

The time which has been gained during the past year has, however, been so employed as to give reasonable hope of a less disastrous issue of this controversy. In that interval, not only have the Assemblies of Upper Canada and New Brunswick been detached from the confederacy with the French party in Lower Canada, but have been converted into sure and zealous allies against them.

General results in Upper Canada and New Brunswick.

In the former part of this statement, the affairs of Upper Canada have been noticed only as they appeared in April last. Since then their aspect has entirely changed.

Upper Canada.

On the 20th of April Sir Francis Head closed the Session by a prorogation. On the 28th of May he dissolved the Legislature. On the 16th of July the writs were returned, when it appeared that the three Leaders of the hostile party, Messrs. Bidwell, Perry, and M'Kenzie, had lost their seats and that, of the 62 Members of which the House is composed, a majority of 44 consisted of persons pledged and cordially disposed to maintain the existing Constitution. The new House was to meet on the 8th of the present month.

Dissolution in Upper Canada and new elections.

In producing these results, Sir Francis Head exhibited not only the greatest moral courage and decision, but extraordinary foresight and accuracy of information. On the other hand, he has exposed himself to several grave censures from his opponents, to which it is necessary to advert.

Charges against Sir F. Head.

The first of these relates to the style of his official communications to various public bodies in the Province. It has been grotesque and ludicrous, not to say bombastic, and has supplied his enemies

First, Indecorous style of public documents.

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with the ready weapons of serious reproach and of ridicule. He pleads, in his defence, that he wrote to be understood, and that he adopted the only style which suited the taste and capacity of those whom he addressed. This would be a conclusive apology, if the readers for whom he wrote had been the only critics by whom he was to be judged. But his disregard of the established decorum of official intercourse has involved him, and through him the Government, in real embarrassments.

Secondly,
Improper
practice in
influencing
elections.

The second charge is, that the majority which he has obtained in the new Assembly, has been gained by dishonest and improper practices. He is accused of unfairly changing the places of election,—of fabricating occasional votes by grants of Crown land made for the purpose,—and of influencing all the subordinate officers of the Government to vote according to his wishes. To the truth of these statements, some of the most conspicuous of his opponents are pledged by petitions presented to Parliament, and by representations addressed to Lord Glenelg. His Lordship has called upon Sir F. Head for his defence. Until its arrival, no opinion can of course be formed. The Lieutenant-Governor has generally declared that he acted with the utmost caution to avoid giving occasion to any well-founded complaint of this kind. His sincerity is beyond all dispute; but, as he certainly possessed the powers which he is alleged to have misused, it is impossible to repress some doubt whether he was really as circumspect as he states, and supposes himself to have been.

Thirdly,
Improper
use proposed
to be made
of his
success.

Finally, it must be admitted that the use which Sir F. Head proposed to make of his victory was singularly indefensible. He advised, in effect, the retraction of the pledges which, in obedience to Lord Glenelg's Instructions, he had given to the last Assembly in the name of the King. The following are the terms of the answer which his Lordship returned to that proposal. He observed that, although the Instructions to Sir F. Head had been drawn up with especial reference to the existing circumstances of the Province, yet that the principles on which they were founded were of no transitory or occasional character, but were the result of long experience and of much reflection on the state of public affairs, not only in the British dominions, but throughout the civilized World; that the wisdom of those principles had been vindicated by late events in Upper Canada, and more especially by the success which had attended the dissolution of the Assembly; that a compliance with Sir F. Head's recommendation would involve the retraction of a pledge solemnly given by the King, and would expose His Majesty to a well-founded reproach of a breach of faith; that the assumption on which that recommendation proceeded, necessarily asserted the unfitness of the Representatives of the People of Upper Canada, from whatever class selected, to be intrusted with the appropriation of the Provincial Revenues,—an assumption which it was impossible to admit, and which, if admitted, would lead to consequences far more extensive than those contemplated by him. Lord Glenelg concluded by stating that His Majesty's course, in regard to Canadian matters, had already been irrevocably taken by the Instructions given to Sir F. Head; that he would fulfil every promise contained in those Instructions faithfully and literally; and that Sir F. Head's zealous co-operation in this policy was the indispensable condition on which the Government of Upper Canada was continued in his hands.

Lord
Glenelg's
instructions
on that sub-
ject.

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Adverting to the actual constitution of the Upper Canadian Assembly, there seems no room to doubt that they will be found zealous supporters of the Constitution of 1791 and of the English party in the Lower Province. It remains to show what has taken place in reference to New Brunswick, from which it will appear that there are equally good reasons for anticipating their concurrence in maintaining the just authority of the Crown, the connexion with Great Britain, and the due subordination of the Colonies to the Mother Country.

Prospects of support from Upper Canada and New Brunswick.

It has already been noticed that in the spring of this year the New Brunswick Assembly sent delegates to this country to negotiate their affairs with the King's Government.

Those gentlemen, Messrs. Crane and Wilmot, presented themselves to Lord Glenelg, and were received by him with cordiality as well as with respect. He found them to be men of moderate opinions and of fair and liberal minds. Their demands were limited to reforms to which the King had already assented in principle in reference to the Canadas. They were urged with temper and candour, and Lord Glenelg thought it right to mark his confidence in the delegates, by freely admitting them to personal interviews, at no one of which any person was present on his Lordship's part to assist in, or to witness the deliberations which then took place. This confidence was repaid by constant frankness and fair dealing; and, after a protracted, but very amicable discussion, all the questions at issue were adjusted to the perfect contentment of Messrs. Crane and Wilmot.

Negotiations with New Brunswick Deputies.

It is not necessary to state in this place the details of the settlement which was made. It will be sufficient to say that the appropriation of the whole Revenue was conceded to the Assembly in return for a Civil List, amply sufficient for every purpose which could be reasonably required. It was also agreed that the management of the Crown lands should rest with the Executive Government, though subject to certain general regulations which were to be established by a provincial statute. On the other hand, it was agreed that the Local Governments should deduct from the gross revenue all the charges of collection and management; and that the usages of Parliament should be followed in whatever related to the voting of public money. No demand was made for a change in the constitution of the Legislative Council, nor for what is called a responsible Executive Council. On the contrary, it was clearly understood that any such changes were foreign to the views of the Assembly.

Amicable result of those negotiations.

The whole of this subject will be rendered more intelligible by referring to the documents numbered 12, 13, and 14 in the Appendix, containing the instructions to the Lieutenant-Governor of the Province. There also will be found the Heads of a Bill approved by the Lords of the Treasury, and by Messrs. Crane and Wilmot, to be passed in the provincial legislature for settling these financial questions. But it may be convenient to transcribe in this place so much of the language of the Assembly as explains the general principles of that House, and the letter of acknowledgment which Lord Glenelg received from their Delegates on the eve of their departure from this country.

Reference to the documents in which that result is comprised.

The language of the Assembly is as follows:—

"The House now turn with heartfelt pleasure to the consideration of the Instructions given to Sir Francis Head, Lieutenant-Governor of Upper Canada, and the extracts from those furnished Lord Gosford

Amicable language of New Brunswick Assembly.

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"as recently promulgated. The views entertained by Your Majesty of Colonial Government, as therein developed, with a liberal construction of such parts as might be supposed to affect the independence of Members of the Legislature holding any inferior office or appointment under Government, would afford the Assembly entire satisfaction, if the principles which they involve were carried into operation in this Province."

Messrs Crane's and Wilmot's letter was as follows:—

The cordial
acknowledgment
of the Deputies
to His
Majesty's
Government.

MY LORD,

London, October 1836.

AFTER the highly satisfactory conclusions of our negotiations with your Lordship, it would be ungrateful in us not to record, on behalf of the loyal people of New Brunswick, our sincere and hearty thanks to our most gracious Sovereign, for that paternal solicitude for their welfare, so clearly manifested by the personal interest which His Majesty has been pleased to take in the important matters of the Address which we have had the honour to present.

We would, also, on the same behalf, convey our most grateful acknowledgments to His Majesty's Government in general, for the liberal and enlightened policy which has characterized their decisions upon the various subjects which we have had the honour to bring to their notice, and to your Lordship in particular, for the attention and consideration which your Lordship has invariably bestowed upon our representations.

If the principles involved in your Lordship's recent instructions to the Lieutenant-Governor of New Brunswick be carried out in practice, according to their obvious spirit and intent, we have good reason to hope, that ere long their beneficial effects will be seen in the general diffusion of contentment and prosperity throughout the Province, in the rapid development of our resources, and in our stronger and more inseparable attachment to the land and government of our fathers.

That these cheering anticipations may be fully realized, and that His Majesty's devoted subjects in New Brunswick may ever gratefully remember under whose auspices and instrumentality their destiny has been improved, is the heartfelt desire of,

My Lord,

Your Lordship's most obliged and most humble servants.

(Signed) WILLIAM CRANE,
L. A. WILMOT.

To the Lord Glenelg, Colonial Secretary of State.

Prospect of
support
from New
Brunswick.
Nova Scotia
tranquil.

Thus, then, there seems no room to doubt the adhesion of the Legislature of New Brunswick to the cause of constitutional Government, and to the British connexion.

The Province of Nova Scotia maintains its accustomed tranquillity and loyal adherence to the King. Lord Glenelg has communicated to the Lieutenant-Governor of that Province, to Sir F. Head, and to Lord Gosford copies of his Instructions to the Lieutenant-Governor of New Brunswick and of the Bill to be passed in that Province, in order that those arrangements, may, if possible, be

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taken as a model for general imitation. It may therefore be asserted with little risk of error, that of the four great Provinces, three will co-operate with the King's Government against the French party in Lower Canada, who will have still stronger Antagonists in their own English fellow Colonists. Nor will this co-operation be invoked in favour of an illiberal policy. On the contrary, the agreement made with the New Brunswick Delegates exhibits in the most definite terms the large and liberal views by which the Colonial policy of this Country is dictated. With such alliances in favour of such principles, it would seem premature to despair of a triumph over the Agitators of the Lower Canadian Assembly, unbounded as their influence over the French population must be admitted to be.

The support of the three Provinces, and of the English. English Party in Lower Canada, required in aid only of a liberal policy.

But before approaching the question, What are the methods to be taken for attaining that victory? it is necessary to revert to the proceedings of the Lower Canada Commissioner, in order to show what are the measures which they have recommended in reference not to the transitory difficulties, but to the permanent Government of the Province.

Other Reports of Lower Canada Commissioners.

The Commissioners have hitherto produced but very scanty fruits of their labours. There are but two more Reports to notice. The one relates to the amount of the Civil List to be demanded from the Assembly, and the other to the composition of the Executive Council.

Scanty results of their labours.

The Report on the Civil List is dated the 30th January 1836, prior, therefore, to the bringing up of the Report on the Financial propositions of Lord Gosford. The subsequent events so entirely altered the grounds on which the recommendations of the Commissioners are based, that it appears necessary only to recapitulate them without noticing the arguments by which they are supported. In the joint Report it is suggested:—

Report on the Civil List.

1st. That the net proceeds only of the Casual and Territorial Revenue, amounting to about £10,600, should be given up.

Substance of that Report.

2nd. That the management of the Crown Property, and also all Rents and Profits arising from Lands set apart for Military or Naval purposes, should be especially reserved.

3d. That the amount of the Civil List, exclusive of the expenses of the Judicial Establishment, should be £8,700 per annum, and should include the Salaries of,

The Governor,
Executive Councillors,
Civil Secretary,
Attorney-General, and
Solicitor-General.

4th. That the expenses of the Judicial establishment should be provided for separately to the amount of £10,475.

5th. That the Legislative Council should be a Court for the trial of Impeachments against all public Officers except the Governor.

6th. That Judges actually on the Bench should be incapable of sitting either in the Legislative or Executive Councils, or in the Assembly, but that this rule should not apply to Judges who should have retired from the Bench.

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7th. That all Pensions charged on the Crown Revenues at the time of the Session should be maintained, and the arrears be paid up.

8th. That the Civil List should not be permanent, but should be granted for a term of years, not less than seven, nor more than ten, or, should the Assembly prefer that course, for the life of the King.

The Commissioners further recommend, that the Law Officers of the Crown should be called upon to report, whether this arrangement could be effected by a Provincial Statute, or whether it would be necessary to invoke the authority of the Imperial Parliament. From several parts of this Report Sir C. Grey dissented. He objected to the amount of the Civil List as inadequate, and recommended that the Sum to be demanded should be £30,500. He proposed that the Judges should be removable from their Offices by the Crown,—

1st. On concurrent Addresses from both branches of the Legislature.

2nd. On accusation by the Assembly, and an inquisition before a Commission issued by the Crown.

3rd. On impeachment by the Assembly before the Legislative Council, and a trial before a select number of that body. The Council to be reduced to the necessary number, either by ballot or votes among themselves, or by the Counsel for the prosecution or defence challenging alternately. Sir C. Grey further suggested that the right of altering the boundaries of the Province should be specially reserved to the Crown. No steps have hitherto been taken by His Majesty's Government with reference to this Report.

Report on
Executive
Council.

The second of the above-mentioned Reports relates to the composition of the Executive Council, and the demand of the Assembly that this body should be made responsible, "conformably to the principles and practice of the British Constitution." The suggestions of the Commissioners are prefaced by an historical review of the Executive Council, from its first institution at the conquest of Canada, to the present day. It is unnecessary, however, in this place to refer to any period anterior to the passing of the Constitutional Act of 1791.

Substance
of Report on
Executive
Council.

It appears that in the first Council appointed in compliance with that Act, a strict impartiality between the English and French inhabitants of the Province was observed. The number of Members appointed was nine; of these four were of French, and five of English extraction; but of the latter, one was absent at the time, and never afterwards took his seat. This precedent, however, was early disregarded, and of thirty-one persons named to the Executive Council between 1793 and 1828, twenty-five were of English, and only six of French extraction; since 1828, three persons have been appointed, all of whom have been French Canadians. Of the forty-two persons sworn in as Executive Councillors, since 1791, twenty have been also Members of the Legislative Council, and all except eight or ten have filled salaried offices under the Government. At the same time, scarcely any Members have been taken from the Assembly,* and the Legislative Council has thus become identified with the Executive Government, and has participated in all the odium accruing to the successive Governors. The Commissioners express their disapprobation of the connexion between

* NOTE.—In December, 1820, M. Papineau was summoned to the Executive Council by Lord Dalhousie, as an Honorary Member, in consequence of his office as speaker of the Assembly; on his ceasing in 1823 to fill that office, his attendance was discontinued, and the intention of summoning the Speaker as an *ex-officio* member has not been since acted upon.

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the Legislative and Executive Councils, and of the practice of confirming the appointments to lucrative offices exclusively to persons of English extraction. To the consequent alienation of the party forming the majority of the Assembly, they attribute much of the embarrassment which now exists.

The duties of the Executive Council are to advise the Governor on all matters respecting which he may desire to consult them, to audit the public accounts, and to try Appeals from the Provincial Courts. There are also certain matters connected with the disposal of Waste Lands, the establishment of Quarantine, &c., respecting which the Governor is required, either by statute or by his Instructions, to take their advice. The same.

The demand of the Assembly is, in substance, that this Council should be erected into a body resembling the Cabinet in this country, responsible to the representatives of the people, in the same manner as the Ministers of the Crown are to the House of Commons, and holding their situations on the like tenure of conformity between their views and those of the House of Assembly. Under this scheme, therefore, the Executive Council would consist of the heads of the principal departments of the Government. To such an arrangement the Commissioners express their decided objection. The argument opposed to it may be summed up in a few words: it is the essence of a Colonial Administration, that it should be carried on in conformity with, and subject to the general policy of the mother country. This can be effected only by enforcing the responsibility to the Metropolitan Government of the Executive power in the subordinate country. But if the arrangements demanded by the Assembly were agreed to, this responsibility must be much circumscribed, if not altogether done away with. The Executive Council, being responsible to the Assembly for the conduct of public affairs, must of course be allowed to direct them. Thus the Governor, though retaining the title of the King's Representative, would cease to be the administrator of the Government, and would be incompetent to carry into effect the Instructions which he might receive from His Majesty. In the event of a difference between the Mother Country and a Colony thus governed, the will of the Colonial Assembly would overrule that of the Imperial Parliament, and the Colony, though maintaining a nominal dependence, would in fact enjoy a real independence. The scheme is based on an attempt at a perfect parallelism in cases which are widely dissimilar, that, namely, of a metropolitan and a subordinate Government. Nor do the Commissioners think it would be advisable to adopt a modification of this plan which has been suggested, viz., that an Executive Council should be appointed, and should be maintained in harmony with the Assembly, not, however, forming the administrative body, nor having the power to *control* the Governor, but bound to give their advice to him on all public matters. To such an arrangement there is the objection, that the Governor, being compelled to consult them on all subjects, would be constantly obliged, where the views of the Home Government and the Assembly were in collision, to overrule his Council, thereby increasing, in a serious degree, the odium which would attach to his administration, and investing his Council and the Assembly with the attributes and influence of the unsuccessful assertors of popular rights and measures. For these and similar reasons, the Commissioners at once reject the The same.

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idea of transferring to the Executive Council any portion of the responsibility at present devolving on the Governor. They then discuss certain plans which have been suggested to them, and dismiss the proposition to reduce the Council to a very small number, or to admit into it only three or four permanent Members, allowing the Governor to summon to his assistance such other persons as he might require, on the ground that the first plan would deprive the Governor of those extended means of local information, which, in a country like Canada, are indispensable to a wise administration of public affairs; and that the second, while it would obviate this objection, would fail to ensure a continuous and uniform course of administration. The Commissioners then proceed to state their own views, premising, however, that in their opinion none of the Executive Councillors should hold office under the Legislative Council or Assembly; and that although official persons should not be excluded, yet that they should not on an average exceed one-fourth of the whole Council, the Governor being at all times entitled to call on such persons for their advice on public matters, and being further at liberty to summon them before the Council for the purpose of examining them. The Commissioners also recommend that the Civil Secretary and the Attorney-General should not be in the Council. With these preliminary remarks they proceed to suggest.

Proposals
for Reform
of Executive
Council,
continued.

1st. That the Executive Council should never consist of a greater number than fifteen, nor (for any period exceeding six consecutive months) of less than nine; this interval of six months being allowed to obviate any difficulties which might be experienced in filling up such vacancies as might occur by the change of any of its Members.

2nd. That the Councillors should be appointed by the Governor in the King's name under the Great Seal of the Province, and should enter at once into all the rights of their office, subject, however, to confirmation or disallowance by His Majesty within a limited time.

3d. That there should be no exclusion of persons holding office under Government, but that, in practice, the number of that description should not exceed one-fourth of the whole Council.

4th. That amongst the Members of Council there should be no distinction as to powers, functions, or form of appointment, excepting that Members holding paid offices under Government should not receive salary as Councillors.

5th. That Councillors not holding office under Government should be paid not less than the present amount of £100 per annum, and that it should be proposed to the Assembly to provide for this in any permanent grant hereafter to be made by them. If, however, the Assembly should object to the payment of an increased number of Executive Councillors, salaries should not be made an indispensable condition in any proposal that may be submitted to that House. If all cannot be paid, the junior Members might be required to serve without salary, in like manner as the official Members.

6th. That, although no imperative rule can be laid down on the subject, there should be in the Executive Council at least one, and not more than three Legislative Councillors; at least two, and not more than five Members of the Assembly; some Gentlemen belonging to the class of landed proprietors, and others connected with commerce; one Individual, at the least, of the legal profession; and that of the persons chosen for the Council, it should be endeavoured to

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take a moderate proportion from different districts of the Province. A number sufficient to ensure at all times a quorum must, however, be selected from Gentlemen resident at or near the seat of Government.

7th. That the appointment of the Councillors should not last during good behaviour, nor require for its termination the assignment of any fault, but be liable to revocation whenever, on general grounds, the Governor might deem it advisable; a report, however, of the circumstance, and of the reasons which led to it, being immediately made to the Secretary of State.

Proposals
for Reform
of Executive
Council
continued.

8th. The following to be among the Rules of the Council:—

That during the presence of the Governor at the seat of Government, there shall be stated days, not less than two in each month, on which the Council shall assemble without a summons.

That it may be assembled by the Governor by special summons, as often, and at such places, as he may think fit.

That at each meeting of the Council, every Member shall be entitled to attend; and that in the issuing of summonses, no limitation shall be established save that rendered necessary by distance or difficulty of communication.

That five shall be a quorum.

That upon the internal affairs of the Province, each Member of the Council shall have the right of suggesting measures, or tendering advice, whether or not upon subjects introduced by the Governor; but that no measures affecting the relations of the Province with the Empire shall be discussed, unless they are brought forward by the Governor.

That the Governor have the power of adjourning any question or subject of discussion, the fact of his doing so being noted in the proceedings.

That the Governor have the power of acting in opposition to the majority of the Council; but that when he adopts that determination he shall enter it on the Minutes, assigning his reasons, or not, as he may prefer.

That the Members of the Council have the privilege of recording their dissent on the Council Books, with or without their reasons as they may prefer.

That no Meeting of Council shall be competent to act as such without the presence of the Governor, but that he shall have the power, as now, to refer business to it, as to a Committee, in his absence; nothing done in that mode taking the form of a proceeding of Council, until ratified when the Governor is present.

That the foregoing rule shall be so far qualified in the Governor's absence from the seat of Government, as to authorize him to ratify by letter, or by any other mode that may be appointed for the purpose, any proceedings of Council which could not without injury to the Public Service be delayed.

That, in order to avoid the inconvenience which would result from Members of the Executive Council coming to be considered as the organs of the Government, all communications to the Provincial Legislature shall continue to be made as now by message, notwithstanding the presence in the Executive Council of Members of the Legislature.

That no Oath of Secrecy shall be taken, and that the Members of the Executive Council shall not be considered solemnly bound to

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secrecy, except on occasions when the Governor may summon them expressly to form a Council of Secrecy, or resolve any Meeting into such a Council.

That, before any recommendation of an appointment to the Legislative Council be sent to the Secretary of State, the Governor shall acquaint the Executive Council with it, and receive any observations they may make upon it, which observations, whether made collectively by the Council, or individually by any Member, or Members of it, shall be transmitted to England at the same time with the recommendation of the Governor.

Lastly, That the Governor's discretion respecting the occasions on which he should consult his Council remaining still unfettered, he should resort to their advice more frequently than is done under the present system.

In regard to the relaxation of the Oath of Secrecy, the Commissioners are of opinion that by this means it will be possible to avoid any necessity for the retirement of Councillors, who, although they may approve the general policy of the Government, may differ from their measures in isolated cases. They also express their sense of the unfitness of the Executive Council to act as a Court of Appeal, or a Board of Audit, but recommend that, instead of an Act of the Imperial Parliament altering in these respects the Statute of 1791, an Act should be passed merely authorizing the King to assent to any Bill on the subject, which may be passed by the Provincial Legislature.

Sir Charles
Grey's
Protest.

This Report bears the Signature of the three Commissioners, but from many of its opinions and recommendations Sir C. Grey states his unqualified dissent. He observes, that the suggestions respecting the Council, if adopted, would, in fact, involve the admission of the principle contended for by the Assembly. Those suggestions require that the Governor should consult his Council on all important occasions—they delegate to him the power of removing the Councillors at will, without the assignment of any reason—while, by the recommendations in the previous Report, the Assembly retain all power over the Supplies. The Assembly would, therefore, have the power of compelling the Governor, at any time, to dismiss such Councillors as they should dislike, by stopping the Supplies. Sir C. Grey, therefore, proposes, that an Act should be immediately introduced into Parliament for the regulation of the Executive and Legislative Councils, of which the following should be the principal provisions:

1st. That it shall be lawful for any Member of the Legislative Council to resign his seat, and for the Governor provisionally, and for His Majesty finally, to accept and confirm the same.

2nd. That every Member of the Legislative Council, upon the opening of each Session of the Provincial Parliament, shall make a solemn affirmation, that after allowing for the payment of all his just debts, he is lawfully possessed of property to the amount of Five thousand Pounds sterling, or of an income for life of Five hundred Pounds sterling by the year.

3rd. That no Member of the Legislative Council shall be capable of holding any Office or appointment of emolument at the pleasure of the Crown.

4th. That a conviction of any fraudulent crime or misdemeanor shall be an avoidance of the Office of Legislative Councillor.

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5th. That in addition to the Members of the Executive Council, who have been, or hereafter may be, appointed by His Majesty, it shall be lawful for the Governor of Lower Canada to appoint such and so many persons, as to him may seem fit, to be Members of the Executive Council for the term and period of his own Government, and no longer, and that, by the appointment of the Governor, there may be four or more full meetings in the year of all the Members of the Executive Council; but that on ordinary occasions, not more than five Members shall be summoned to, or shall attend any meeting of the Executive Council.

6th. That the Executive Council shall cease to be a Court of Appeals, and that, notwithstanding the 31st Geo. III. c. 31, s. 34, it shall be lawful for His Majesty to constitute a Court of Appeal for the Province of Lower Canada, by appointing one or more persons to be a Judge or Judges of such Court of Appeal, without being Members of the Executive Council.

In regard to Sir C. Grey's suggestions, Sir G. Gipps remarks, that the Council recommended in the Report is a Council of advice, not of control; and that with reference to the recommendations respecting the Legislative Council, it seems unnecessary to exclude from that body all official persons, and vexatious to require the Members to swear to their qualification at the commencement of every Session.

Sir George
Gipps'
Answer to
this Protest.

It may be right to notice that the Reports already extracted, or referred to, complete the series of those which have hitherto been received by Lord Glenelg from the Canada Commissioners. On the most important subject of all, namely, the constitution of the Legislative Council, they have hitherto made no report whatever. It might be premature to express any opinion to the prejudice of their activity and zeal, although it must be confessed that they have hitherto given no very convincing proofs of either. The case seems to be, that they are involved in constant controversies with each other as to the questions referred to them. Each of their Reports has hitherto been clogged with Protests from each of the Reporters; and although their mission may have been useful in gaining time, it has produced little other benefit. Lord Glenelg has, therefore, apprized Lord Gosford, that the Commission must be brought to an immediate close. One of the Commissioners, Sir Charles Grey, is supposed to be actually on his return to Europe.

Inefficiency
of the Com-
missioners.

Their recall.

A MINUTE

CONTINUING THE FOREGOING NARRATIVE DOWN TO
NOVEMBER 1837

Reference
to former
Paper.

Object of the
present Paper.

Session
of 1835-6.

Publication
of the
Commissioner's
Instructions
in Upper
Canada.

Effect of that
proceeding.

Address of
February, 1836.

Answer to
that Address.

Address of
September,
1836.

Close of 1836.

Measures in
Parliament.

In a confidential Memorandum, communicated to his colleagues in the month of November, 1836, Lord Glenelg traced, at considerable length, the course of events in the British North American Provinces, from the period of Lord Gosford's arrival at Quebec in August 1835, up to the close of the year 1836. The object of the following pages is to continue that narrative to the present time. But before entering on this task, it may perhaps be convenient briefly to state the position of affairs in Lower Canada at the end of 1836.

It will be remembered, that on meeting the Lower Canada Legislature for the first time in September 1835, Lord Gosford had explained to them, at considerable length, the conciliatory nature of his Mission, and had announced the steps which he had taken for immediately remedying such of the abuses complained of by the Assembly as he was competent to deal with. The result of this was to give a shock to the power of Mr. Papineau, which was very apparent in the divisions of the House; and there was every probability, up to the middle of February 1836, that the Supplies would be granted, in spite of Mr. Papineau's opposition. At this date Sir F. Head arrived in Upper Canada, and published, *in extenso*, his Instructions, including certain extracts from the Instructions to the Lower Canada Commissioners and Lord Gosford. The effect was fatal to the prospects of success in Lower Canada. On collating the published extracts with Lord Gosford's Speech, it was vehemently declared that the epitome of his Instructions had been unfaithful, and had been drawn up with the intention of misleading the Assembly. Mr. Papineau's power was instantly re-established more firmly than before. An Address to the Throne was adopted, repeating the adherence of the House to all their former demands; and, in order to allow a sufficient opportunity for their concession, supplies were voted for six months. The House then separated, and was formally prorogued by Lord Gosford in March.

As, however, the Assembly had adopted this violent course on an imperfect acquaintance with the policy of the British Government, it was determined to afford them an opportunity of re-considering their proceedings. Lord Gosford was accordingly instructed again to summon the Legislature, and to lay before them complete copies of the Instructions to himself and his colleagues. He did so in September 1836; but was met by an answer from the Assembly, recapitulating all their former demands, and stating their determination "to adjourn their deliberations until His Majesty's Government shall, by its acts—especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people—have commenced the great work of justice and reform, and created a confidence which alone can crown it with success."

Thus the year 1836 closed, with a virtual abdication by the Assembly of their legislative functions. Every attempt at conciliation had failed. The public officers were again, for the fifth year, left without any provision; and it was evident, from the tone of the later Addresses, that the moderation of the Government was, by the Assembly, ascribed

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to timidity. It was resolved, in this conjuncture, to appeal to the Imperial Legislature; and accordingly, in the Speech from the Throne with which the Session was opened on the 31st of January last, the attention of Parliament was especially called to the state of affairs in Lower Canada. Speech from the Throne.

At an early period of the session, the Reports of the Commissioners were laid by His Majesty's commands before both Houses of Parliament, and on the 27th February, Lord John Russell gave notice in the House of Commons that, on the 6th of the following month, he should move for a Committee of the whole House to take into consideration that part of the Speech from the Throne which related to Lower Canada. Accordingly, on the 6th of March, the question was brought before the House of Commons; and after a detailed statement of the past policy and of the future intentions of the Government, Lord John Russell moved the following Resolutions. Resolutions proposed.

"I. That since the 31st of October, in the year 1832, no provision has been made by the Legislature of the province of Lower Canada for defraying the charges of the administration of justice, and for the support of the civil government within the said province; and that there will, on the 10th day of April now next ensuing, be required for defraying in full the charges aforesaid to that day the sum of £142,160. 14s. 6d. Resolutions.

"II. That at a Session of the Legislature of Lower Canada, held at the city of Quebec, in the said province, in the months of September and October 1836, the Governor of the said province, in compliance with His Majesty's commands, recommended to the attention of the House of Assembly thereof, the Estimates for the current year, and also the Accounts, showing the arrears due in respect of the civil government, and signified to the said House His Majesty's confidence that they would accede to the application which he had been commanded to renew for payment of the arrears due on account of the public service, and for the funds necessary to carry on the civil government of the province.

"III. That the said House of Assembly, on the 3d day of October, 1836, by an Address to the Governor of the said province, declined to vote a Supply for the purposes aforesaid; and by the said Address, after referring to a former Address of the said House to the Governor of the said province, declared that the said House persisted, amongst other things, in the demand of an Elective Legislative Council, and in demanding the repeal of a certain Act passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said Address, the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the Executive Government; and by the said Address the said House of Assembly further declared that it was incumbent on them, in the present conjuncture, 'to adjourn their deliberations until His Majesty's Government should, by its acts,—especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people—have commenced the great work of justice and reform, and created a confidence which alone could crown it with success.'

"IV. That in the existing state of Lower Canada, it is inadvisable to make the Legislative Council of that province an elective body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.

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Resolutions.

"V. That while it is expedient to improve the composition of the Executive Council in Lower Canada, it is inadvisable to subject it to the responsibility demanded by the House of Assembly of that province.

"VI. That the legal title of the North American Land Company to the land holden by the said Company, by virtue of a grant from His Majesty, under the public seal of the said province, and to the privileges conferred on the said Company by the Act for that purpose made in the fourth year of His Majesty's reign, ought to be maintained inviolate.

"VII. That it is expedient that, so soon as provision shall have been made by law to be passed by the Legislature of the said province of Lower Canada for the discharge of lands therein from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in free and common socage in the said province, a certain Act made and passed in the sixth year of the reign of His late Majesty King George the Fourth, commonly called 'The Canada Tenures' Act,' and so much of another Act passed in the third year of His said late Majesty's reign, commonly called 'The Canada Trade Act,' as relates to the tenures of land in the said province, shall be repealed; saving, nevertheless, to all persons all rights in them vested under or by virtue of the said recited Acts.

"VIII. That for defraying the arrears due on account of the established and customary charges of the administrations of justice and of the civil government of the said province, it is expedient that after applying for that purpose such balance as shall, on the said 10th day of April, 1837, be in the hands of the receiver-general of the said province, arising from His Majesty's hereditary, territorial, and casual revenue, the Governor of the said province be empowered to issue from and out of any other part of His Majesty's revenues in the hands of the receiver-general of the said province such further sums as shall be necessary to effect the payment of the before-mentioned sum of £142,160 14s. 6d.

"IX. That it is expedient that His Majesty be authorised to place at the disposal of the Legislature of the said province, the net proceeds of His Majesty's hereditary, territorial, and casual revenue arising within the same, in case the said Legislature shall see fit to grant to His Majesty a Civil List for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expences of certain of the principal officers of the civil government of the said province.

"X. That great inconvenience has been sustained by His Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada from the want of some adequate means for regulating and adjusting questions respecting the Trade and Commerce of the said provinces, and divers other questions wherein the said provinces have a common interest; and it is expedient that the Legislature of the said provinces respectively be authorised to make provision for the joint regulation and adjustment of such their common interest."

Amendment
proposed.

As an Amendment to the Fourth Resolution, it was moved by Mr. Leader to substitute a declaration, "That it is advisable that the Legislative Council of Lower Canada be made elective." The Debate on this point was adjourned, and continued on the 8th of March, when, on a division, the amendment was rejected by a majority of 318 to 56. After several divisions on questions of

Amendment
rejected.

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adjournment, the House divided on the main question, when the original resolution was carried by a majority of 144 to 16. The further proceedings were then deferred until the evidence taken before the Parliamentary Committee of 1834, should have been printed. On the 14th, 21st, and 24th of April, the Debate was resumed, and the remaining resolutions carried by large majorities; and on the 28th April the Report of the Committee having been brought up, the Resolutions were agreed to by the House, and ordered to be communicated to the Lords. In the Appendix* will be found a list of the several motions in the House of Commons, above referred to, with a statement of the divisions on each.

Resolution
carried.

Debate
resumed.

Resolutions
agreed to by
the House.

On the 9th May the Resolutions were taken into consideration by the House of Lords, and concurred in without a division; and on the 18th May, the concurrence of their Lordships was communicated to the House of Commons.

Resolutions
agreed to by
the Lords.

Immediate steps were then taken for bringing into Parliament a Bill to give effect to the Resolutions; but before the necessary preliminaries could be completed, all further progress was arrested by the alarming illness of the King, which terminated fatally on the 20th June. As, however, it was impossible to condemn the public servants in Lower Canada to a further indefinite delay in the payment of their salaries, and as, without an Act of Parliament, the Ministers of the Crown could not proceed to defray those salaries out of the provincial funds, a Vote of Credit for the necessary amount was, on the 3rd July, obtained from the House of Commons. It was, however, distinctly stated that, unless the Assembly of Lower Canada should in the interval revise their former decisions in regard to the supplies, the authority of the Imperial Parliament would be hereafter invoked for the repayment of this advance, out of the provincial funds.

Introduction
of Bill.

Death of
the King.

Vote of Credit.

It will be observed, that the amount which it had been proposed to take from the provincial funds, and which was eventually granted by the House of Commons, constituted the arrears due to the civil servants of Lower Canada only up to the 10th April last. His Majesty's Government did not feel justified in proceeding further than this, or in requiring from the Imperial Parliament an authority for rendering the whole of the civil establishment of Lower Canada independent, for the future, of the Provincial Legislature. They rather chose to attempt to bring the indispensable expenditure of the Government within the compass of the funds constitutionally at the disposal of the Crown; and Lord Gosford was accordingly directed, on the 11th March last, to apply in future the Crown revenues, amounting to about £30,000 a-year, to the payment of the expenses of justice, and the salary of himself and his civil secretary; and to notify generally to the other civil servants, that the Crown, having no longer the power of guaranteeing to them their salaries, could no longer demand from them the continuance of their services. In the Appendix† will be found the instructions issued on this point, together with a schedule of the services to be paid out of the Crown revenues.

Payment of
Arrears due
to the Civil
Officers.

The proceedings in the House of Commons became known in Lower Canada in the beginning of April. The intelligence was

Proceedings
in Lower
Canada.

* Appendix No. 1.

† Appendix No. 2.

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Meetings.

received, as might have been expected, with the deepest resentment by the adherents of Mr. Papineau. Meetings were immediately called in the different districts of the province, a permanent and central committee was established at Montreal, and resolutions of a violent and inflammatory character were adopted, and published in the papers attached to the French Canadian party. At many of these meetings Mr. Papineau was himself present; at others, he was represented by some of the leading individuals on that side of the House of Assembly. In the Appendix[‡] will be found copies of the resolutions passed at the Montreal and Quebec meetings, from which the general tenor of those adopted at other similar meetings may be understood.

Weight to be
attached to
these
Meetings.

It is impossible to estimate, with any confidence, the degree of weight to be attached to these meetings. While by the one party they are appealed to, with evident exaggeration, as conclusive testimony of the feelings of the Canadian people they are decried with scarcely less exaggeration by the opposite party as the abortive attempts of an impotent, but noisy faction, in which the body of the people take no interest. Nor is it less difficult to ascertain the number by whom they were attended. Thus, while the *Vindicator* and the *Minerve* assert that at the Montreal Anti-coercion Meeting between 3,500 and 4,500 persons were present, the papers on the opposite side maintain that there were not more than 500 or 600. In like manner, those present at Berthier and at L'Acadie are reckoned by one party at 3,000 and 4,000, respectively; and by the other, at 600 and 900.

Lord Gosford's
opinion of these
Meetings.

From his first communication* on the subject, Lord Gosford appears to have considered these meetings as of little importance, and as having failed in the object for which they were intended. Subsequently, however, he attached more weight to them; and accordingly on the 15th June he issued a Proclamation† warning all persons against the seditious and treasonable proceedings which they were intended to recommend; and, at the same time, he availed himself of an authority previously transmitted to him by the Secretary of State, for obtaining a reinforcement of troops from Halifax. He shortly afterwards published an Order, as captain-general of the militia, that the Proclamation of the 15th June, should be read at the head of every regiment of militia, on the occasion of their annual assemblage; and some cases having occurred, in which the Proclamation had been disregarded by persons holding commissions under the Crown, either as militia officers or magistrates, he has since proceeded to deprive all such persons of their commissions‡. Lord Gosford is of opinion that this Proclamation has been attended with a very good effect.

Proclamation.

Reinforcement
of Troops.

Proceedings of
the Consti-
tutional
Party.
Meetings.

It is not to be supposed that while so much violence was displayed by Mr. Papineau and his adherents, the opposite party were altogether inactive. Although their meetings were fewer, they appear to have been far more numerous attended. The requisition

‡ Appendix, Nos. 3 and 4.

* Appendix, No. 5.

† Appendix, Nos. 6 and 7.

‡ Among those who have been dismissed from the militia is Mr. Papineau. That gentleman having conducted himself with extreme violence at a meeting at St. Laurent, on the 15th May, was, on the 12th August, called on, as a militia officer, for an explanation of his conduct. Copies of the civil secretary's letter and of Mr. Papineau's answer, will be found in the Appendix No. 8.

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calling the Loyal Meeting at Montreal on the 6th July, was signed by 1,800 persons§; that summoning the Loyal Meeting at Quebec, by 3,000. In the Appendix|| will be found copies of the resolutions passed at these meetings, together with extracts from Lord Gosford's despatches on the subject. Loyal meetings were also held at Napier-ville or L'Acadie on the 24th, and at Three Rivers on the 25th July, the proceedings at which will be also found in the Appendix¶.

Nor were these the only demonstrations made in favour of the British Government, and in opposition to the proceedings of Mr. Papineau: for, a vacancy having about this time occurred in the representation of the Lower Town of Quebec, by the resignation of Mr. Vanfelson, the English party brought forward, and succeeded in electing Mr. Munn, in opposition to the candidate supported by Mr. Papineau; and at a dinner given on the 25th July, to 140 of the Roman Catholic Clergy, the Roman Catholic Bishop of Montreal is reported to have said, "That so solemn an occasion as the present "had never presented itself; that he saw nearly all his clergy met "before him, and that he was going to take advantage of the cir- "cumstance to give to the pastors of parishes certain notices of the "highest importance in the present circumstances of the country. "That the clergy were to use every effort to establish charity and "union among their flocks; that they were to represent to their "parishioners that it is never permitted to revolt against lawful "authority, nor to transgress the laws of the land; that they are not "to absolve in the confessional any indication of the opinion either "that a man may revolt against the Government under which he "has the happiness to live, or that it is permitted to break the laws "of the country, particularly that which forbids smuggling; and "still less is it allowed to absolve those who may violate those laws." This speech, of course, drew down on the bishop the violent denunciations of the French Canadian party; but the clergy are reported to have immediately expressed their approval of his sentiments.

About the same time a letter was addressed to the colonel of the militia of the Lake of Two Mountains, by 127 of the officers and non-commissioned officers of his battalion, pledging themselves to support the constituted laws of the province, and to maintain the connection with the mother country.

In the midst of this agitation the Legislature met on the 18th August. It had been summoned in compliance with instructions from the Home Government*, in order to allow of a last effort to obtain the payment of the civil servants without resorting to the extreme measure contemplated in the 8th of the Parliamentary Resolutions. In his opening speech†, Lord Gosford explained the circumstances under which the Legislature had been called together, and communicated to them the course adopted by the Imperial Parliament; expressing at the same time the anxious hope of the Government that the Assembly would, by granting the Supplies, render it unnecessary to contemplate any further action on the 8th resolution. He announced the intended remodelling of the Councils;

Election for
Lower Town
of Quebec.

Part taken by
the Roman
Catholic
Clergy.

Declaration of
Militia of
Lake of Two
Mountains.

Meeting of the
Legislature.
Lord Gosford's
Speech.

§ Lord Gosford states this at 1,200. But the statement in the text is taken from the *Morning Courier*, of the 6th July, in which the list of signatures is published.

|| Appendix, Nos. 9 and 10.

¶ Appendix, Nos. 11 and 12.

* Appendix, No. 13.

† Appendix, No. 14.

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and he called attention to those Local Acts which were about to expire.

Answer of
the Council.

Proceedings
in the
Assembly.

Debates
therein.
Address
proposed.
Amendments
moved.

On the 22d September the Council replied by an Address, which was in great measure an echo of Lord Gosford's speech.

In the Assembly an unusual course was pursued. Instead of referring the Speech to a special Committee to prepare an answer, it was referred to a Committee of the whole House on the state of the Province. After a discussion which lasted five days, the Committee reported the draft of an Address in answer to the Speech. A resolution was then moved by Mr. Stuart, M.P.P. for the Upper Town of Quebec, pledging the House to "provide for the most pressing wants of the province, and the support of his Majesty's Government." This was negatived on a division by 63 to 13. A second resolution was then proposed by the same gentleman to the effect that "It is the duty of this House to maintain its fidelity to the Crown, and to support the connection of this province with the United Kingdom of Great Britain and Ireland, using, at the same time, all constitutional means for the removal of the obstacles which have hitherto retarded the advancement and prosperity of the province, and for securing to His Majesty's subjects therein a better and more efficient Government than they now have." The previous question having been moved and carried by a majority of 62 to 15, this resolution was also lost. A more moderate Address than that prepared in the Committee was then proposed by Mr. Taschereau, but was lost on a division of 59 to 18; and the original Address was eventually carried by 46 to 31. In the Appendix† will be found a dispatch from the Earl of Gosford, giving a very detailed account of these proceedings in the Assembly.

Address carried

Substance of
the Address.

The Address§ thus carried in the Assembly is no less violent in its language than those which, during the last few years, have emanated from that body. It commences by censuring in very strong terms the Home Government and the Lower Canada Commissioners: it protests against the proceedings in Parliament, and asserts, that if the resolutions be carried out, the supremacy of Great Britain over Canada "will no longer depend upon the feelings of affection, of duty, and of mutual interest, but on physical and material force." It denounces the constitution of the Legislative and Executive Councils, but admits, at the same time, that if the contemplated reforms in those bodies be effected in a spirit of justice and harmony, they will "become a powerful motive with us for examining whether the Legislative Council, in its present form of constitution, could even for a time co-operate with us in a system of legislation conformable to the interests of the people, and of thereby ascertaining whether it shall have been so remodelled as to induce us to manifest confidence in His Majesty's Government." It concludes by refusing the Supplies—by repeating the adherence of the House to all their former demands—by calling on the Government to propose the rescinding of the Parliamentary Resolutions—and by disclaiming all responsibility for the consequences, should those resolutions be persevered in. This Address was presented to Lord Gosford on the 26th August, and immediately afterwards the House was prorogued

† Appendix, No. 15.

§ Appendix, No. 16.

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by Proclamation. As no Bill had been passed, it has become a question whether the late meeting constituted a Session—a question of no small interest, since on its solution depends the continuance of several temporary Acts of much importance.

It will be observed that both in Lord Gosford's speech to the Legislature and in the answer of the Assembly, allusion is made to certain contemplated changes in the Legislative and Executive Councils, which had been unexpectedly delayed. It becomes necessary, therefore, to explain the causes of their delay, and the measures which have been finally adopted on the subject.

Early in the spring of 1836, Lord Gosford sent home lists of gentlemen whom he proposed to summon to the Legislative and Executive Councils. Among them were some of the most eminent of the French Canadian party, and of the most conspicuous advocates for an elective Legislative Council. At this time the Commissioners were pursuing their inquiries into the composition of the Councils—a question second in importance to none which had been referred to them. An immediate acceptance of Lord Gosford's recommendations would have been virtually to prejudge the question, and might have been construed into a tacit declaration by His Majesty's Government of opinions respecting the Legislative Council which they were not prepared to announce or adopt. Under these circumstances it was determined not to act on Lord Gosford's recommendations, but to await the Commissioners' Reports on the Councils, and then to deal with the whole of the questions relating to Lower Canada in one comprehensive and general arrangement. This decision was communicated to Lord Gosford on the 31st October 1836.

Accordingly, by the 4th and 5th of the series of Resolutions submitted to Parliament, His Majesty's Government pledged themselves to the adoption of measures for improving the composition of the Executive and Legislative Councils. What was the precise nature of these measures will be best explained by the following extracts from a Minute submitted to his colleagues at the time, by Lord Glenelg.

I. *The Legislative Council.*

"To secure to the Legislative Council a greater share of public confidence, five distinct measures are in contemplation.

"1. The exclusion of the Judges from that body.

"2. The enabling members to resign.

"3. The removal of persons convicted of disgraceful offences.

"4. The addition of persons holding opinions corresponding, in general, with those of the majority of the Assembly, although not concurring in their extreme demands.

"5. The establishment of the rule that, before the Government transmits for the King's sanction the name of any candidate for advancement to the Legislative Council, that name should be communicated to the Executive Council, who should be required to report their opinion collectively and individually, as to the fitness of the choice.

Assembly
prorogued.

Contemplated
changes in the
Executive and
Legislative
Councils.

Cause of
Delay.

Contemplated
Change in the
Executive and
Legislative
Councils.

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II. The Executive Council.

"The improvement of this body is required, not merely to secure the right discharge of their own appropriate duties, but as has been seen, to prevent the improper selection of Legislative Councilors. The intentions entertained on this subject are as follows:—

"1. The Executive Council is at present, in effect, reduced to but a single person (Mr. Cochrane) who is really competent to the duty of that office. Retaining that gentleman, it is proposed to re-constitute the whole body.

"2. The number of members would at first be nine.

"3. Of the nine members, not more than two would be selected from the public officers of the province; two would be selected from the Council; and three from the Assembly; and the remaining two from persons who were not members either of the Government or the Legislature.

"4. The selection of members from the Houses of Legislature, would not be established as a positive and inflexible rule, but only as a custom to be observed as far as possible.

"5. The Councillors would be drawn from the different districts of the province, and from each of the great separate interests, so as in some sense to represent each.

"6th. The Councillors would hold their seats during the pleasure of the Crown. As it might frequently be desirable to remove, for mere unfitness, members to whose charge no positive fault could be laid, it is proposed that the entire Council shall from time to time be reconstituted, either by the simultaneous retirement of the whole body, or by their vacating their seats in rotation.

"7th. The present oath of secrecy would be abolished, but the Members would be placed under the same honorary engagement to mutual confidence as subsists between the members of the Cabinet in this country. Secrecy being the general rule which the Governor would dispense whenever there appeared to him no sufficient reason for forcing the observance of it.

"8th. That the Council should not be entitled to meet and act as such, except in obedience to the summons of the Governor.

"9th. That the Council should no longer exercise the duties of a Court of Appeal, or those Auditor of the Public Accounts.

"10th. That the Governor should not be at liberty to propose any expenditure to the Assembly without a previous consultation with the Executive Council.

"11th. That the Governor should not be subject to any inflexible rule as to the other subjects on which he should consult the Council, but should be required to avail himself of their advice and assistance as far as might be compatible with the maintenance of his own free agency.

"12th. That no questions affecting the relations of Lower Canada with any other part of His Majesty's dominions should be discussed at the Council except at the suggestion of the Governor; but that any Member might originate any question affecting only the internal interests of the province.

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" 13th. That every Councillor should have the right of entering protests in the Minutes of Council.

" 14th. That the Governor be authorized to Act in opposition to the resolutions and advice of the Council; but in any such case he should be bound to record in the Council Books a Minute explanation of the grounds and motives of his decision.

" 15th. That the Governor shall attend all meetings of the Council, unless in any case he shall call upon them in writing to deliberate in his absence upon any question. In that case, however, they must act only as a Committee, and their resolves must be reported to the Board for confirmation.

" 16th. That all communications between the Governor and either branch of the Legislature shall take place, as at present, by message, and not through the intervention of those members of the House who may have seats in the Executive Council.

" 17th. Finally, that the Executive Councillors be chosen from persons of moderate and liberal opinions, who are understood to be attached to the spirit of the constitution, and to be opposed to any change subversive of its cardinal principles."

During the progress of the Resolutions through the House of Commons, a Despatch, dated the 8th of March, on the subject of the Council, was received from Lord Gosford, in the concluding paragraph of which he announced his intention of sending home, at an early date, lists of those whom it would be advisable to appoint to these boards. In subsequent dispatches the promised lists were again alluded to; but it was not until the 2d August that a dispatch, dated the 26th June, containing those lists, was received, at the Colonial Office.

The demise of the Crown having arrested the completion of the Parliamentary measures, and no organic change being possible in the Legislative Council without the authority of an Act of Parliament, the Government was necessarily limited in its operations with respect to that body, to the appointment of those gentlemen who had been recommended by Lord Gosford. But, anxious to obtain every information as to the most effectual means of rendering the second branch of the Legislature more conducive to the public good, Lord Glenelg, on the 31st August, addressed to Lord Gosford a secret dispatch, of which a copy will be found in the Appendix*, recapitulating at great length the various schemes which had been proposed for that purpose; reviewing briefly the arguments for and against each, and inviting, from Lord Gosford, a full and unreserved communication of the opinions which his local observation might have let him to entertain.

To the regulation of the Executive Council, no Parliamentary sanction was necessary; and fearing that any further delay might lead to serious inconvenience, Lord Glenelg had, on the 14th July, anticipated Lord Gosford's Dispatch of the 26th of June, by instructing him at once to summon to that Board any nine gentlemen whom he might consider most competent for its duties, and to introduce into its constitution and regulations the changes recommended in the Third Report of the Commissioners of Inquiry.

On the receipt of the despatch of the 26th June, no time was lost in preparing warrants for appointing the new Councillors. It was however impossible to complete the necessary official forms before the

Legislative
Council.

Executive
Council.

New
Councillors
appointed.

*Appendix, No. 17.

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22d August; and of course, therefore, the appointments could not be made known in Lower Canada until after the prorogation of the Legislature. Whether the intelligence, if received at an earlier date, would have influenced the proceedings of the Assembly it is impossible to determine. It will be observed that on this point there is a visible discrepancy between the 5th and the 9th paragraphs of their Address.

Close of the
Session.

The Session closed, as has been already stated, on the 26th August. The intelligence since received from Lord Gosford reaches to the 13th September; its general tenor cannot be regarded without serious anxiety.

Subsequent
Intelligence.

While he repeats the opinion, so often before expressed, that the great mass of the Canadian people are contented and loyal, Lord Gosford does not attempt to deny the partial success of Mr. Papineau's machinations. The object of Mr. Papineau and his party, he asserts to be the severance of the connection between Canada and Great Britain; and to this end have been directed all their efforts to rouse the people by means of the late meetings. Latterly, indeed, those meetings have been discontinued; but the Permanent Committee at Montreal, still holds its weekly sittings, and promulgates its proceedings from time to time in the public journals. That many of these publications are of an illegal and seditious character, cannot be doubted. The great difficulty, however, of procuring evidence, or, when the evidence is sufficient, of obtaining a conviction, has hitherto prevented any legal proceedings. Two indictments had, indeed, been preferred by the Attorney General,—one against Dr. Duchesnois for publicly tearing the proclamation of the 15th June; the other against certain individuals for a conspiracy to expel, by threats, on account of political differences, several inhabitants of the county of Two Mountains,—but in both cases the bills had been ignored by the grand jury, notwithstanding the clearest evidence in support of them. Nor could any other result have been expected, since, on the grand jury was seated one of the persons who had been recently dismissed by Lord Gosford from the militia, on account of his conduct at a public meeting.

Under these circumstances he adverts to the probability that measures of a very extreme nature may ultimately be forced on the Executive Government: measures tantamount, in fact, to placing the province under martial law. And, although he expresses his anxiety to avoid any such step, he states his determination, should the exigency arise, at once to avail himself of all the powers confided to him. 'We can now,' he continues, 'make no terms with Mr. Papineau. You must either put him down, or submit to let him put you down. There is no halting between two opinions. By at once increasing the power of the Executive, and suspending the Constitution, you paralyze the designs of these mischievous men; and it would establish confidence in the minds of those disposed to peace and good government.' * *

* * 'Until you nullify Papineau's power, you can never be in a position to treat on anything like fair and liberal terms with a man of his extravagant, uncompromising, destructive views; exercising, as he does, complete control over the minds of many who have been too long accustomed to be under his yoke.' The whole of Lord Gosford's recent despatches on this subject will be found in the Appendix*; but the foregoing passages have been extracted as embodying in the most forcible manner his sense of the crisis which has arrived.

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But, striking as is Lord Gosford's description of the present state of Lower Canada, it is far less alarming than that contained in some letters of a later date from the Commissary General on the station, which were sent to this office from the Treasury, on the 27th of October. From these it appears that the French Canadian party in the district of Montreal, have openly undertaken to organize the people; that several battalions are in the course of being drilled, and have been practising ball-firing; that the 'bonnet-rouge' has been hoisted, and some English storekeepers compelled to fly for safety from St. Hyacinth to Sorel. It is even reported, and Mr. Routh expresses his belief in the report, that it was intended to hold a meeting on the 20th October, to proclaim the independence of 'the five counties†.'

The Executive Government of Lower Canada appear, from the same letters, to be actively employed in taking the necessary steps for meeting these demonstrations. A considerable military force is said to have been concentrated for this purpose in the district of Montreal, and horses have been purchased to enable the Artillery, if necessary, to take the field. It may be hoped that these preparations will deter the leaders of the French party from pursuing a course which cannot but lead to a civil war; more especially if it be justly surmised that the publicity and violence of their proceedings have been intended to operate on public opinion without the province, rather than to lead to any armed resistance within it. But until more detailed and authentic information shall be received, it is impossible to form any satisfactory opinion, either as to the motives and designs of the French party, or as to the probable resort of their proceedings. In the meantime it is necessary to advert to the present aspect of affairs in the other portions of British North America.

In the memorandum of November 1836, to which allusion has before been made, Lord Glenelg recapitulated the important events which had marked the preceding year in Upper Canada and New Brunswick, and showed, that of the four principal North American provinces, three might at that time be expected to co-operate with the King's Government against the French party in Lower Canada. The event, as far as it regards Upper Canada and New Brunswick, has justified this expectation; but there are not wanting grounds for apprehension that no very firm reliance can be placed on the present aspect of affairs in Upper Canada.

During the excitement which immediately succeeded the dissolution of the late Assembly, all secondary questions were merged in the one great object of defeating the party who were supposed to aim at the severance of the connection between Great Britain and Canada. But when this end had been fully secured, the public mind reverted to its accustomed channels, and the questions which had been temporarily suspended were again brought into discussion. Among these the most prominent was the disposal of the Clergy Reserves, to which a late incident had given an unusual interest.

At the close of his administration Sir J. Colborne had for the first time called into operation certain clauses of the Constitutional Act, which during forty-five years had lain dormant, and had erected and endowed fifty-seven rectories of the Church of England. This proceeding was regarded with strong indignation by the Scotch Church, and a vehement remonstrance was addressed by them to the Provincial Legislature and the Home Government. They reminded

State of
Affairs in the
other North
American
provinces.

Elections in
Upper Canada.

Clergy
Revenues.

Rectories.

Demands of
the Scotch
Church.

† Which are the five counties alluded to does not appear.

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the Government that although their title to participate in the clergy reserves had been repeatedly acknowledged, yet hitherto the proceeds of those reserves had been exclusively devoted to the Church of England; and they demanded, not only that the newly created rectories should be annulled, but that their own clergy should forthwith be admitted to a proportionate share in the proceeds of the clergy reserves. To support these demands they sent to this country, in the course of last spring, no less than three delegates; and they at the same time obtained the active co-operation of the General Assembly of Scotland.

Demands of
the Dissenters.

But while the claim of the Scotch Church was thus urged on the one hand, the Dissenters in Upper Canada demanded, on the other hand, that the provision set apart by law for religious purposes should not be restricted to any two communities, but should be distributed among all the principal bodies of Christians within the province; and this demand was enforced, on the part of the Wesleyans, by the presence in this country of an influential member of their body. The impossibility of otherwise providing for the clergy of the Church of England has hitherto prevented a compliance with the demands of the Scotch Church, while the terms of the Constitutional Act have opposed an insuperable obstacle to the admission of the claim of the Dissenters.

Clergy Reserve
Debate.

It was under such circumstances that the Clergy Reserve question was brought into debate in the House of Assembly, of the Members of which a large proportion do not belong to the Church of England. As might have been expected, the debate was conducted with unusual warmth and violence, and a proposition, originally suggested by Lord Ripon in 1831, for revesting the reserves in the Crown, having again been brought forward, was lost by one vote. No practical result was produced, while the previous feelings on the subject were rather exasperated than allayed by this agitation of it.

Legality of the
Rectories.

In the mean time a doubt had been started as to the legality of the creation of the fifty-seven rectories by Sir J. Colborne, and the case having being referred to the law officers of the Crown, they gave it as their opinion, that that proceeding was contrary to law. Under these circumstances but one course was open to His Majesty's Government. The Lieutenant Governor of Upper Canada was forthwith instructed, after consulting with his law advisers and the heads of the Church of England in the province, to take such steps as should seem best calculated to bring the question to a decision, first, before the Provincial Tribunals, and thence, by appeal, before the Privy Council. These proceedings have not yet been commenced, but the feeling caused by the intelligence of the law officer's opinion is a sufficient earnest of the excitement in the public mind, which in their progress they cannot fail to create and keep alive.

Ultra-popular
party.

Nor has the ultra popular party in the province been an inattentive spectator of these events. Although utterly defeated in the elections of 1836, this party was not extinguished; and they in some degree make up, by their activity and boldness, for their paucity of numbers. On receiving intelligence of the Parliamentary proceedings respecting Lower Canada, they summoned meetings, and published resolutions scarcely less violent than those of Mr. Papineau and his adherents, and they have not failed to seize, and endeavour to foment, the dissensions on religious subjects which distract the public mind in Upper Canada. What has been their success it is scarcely possible to

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estimate. By the Lieutenant Governor they are treated with a contemptuous silence, and it is possible that, having at their command several newspapers in each province, the importance which they seem to have acquired may be rather apparent than real.

In the meantime Sir F. Head has resigned his situation. Having been directed to reinstate Mr. Ridout in the office from which he had been dismissed, and to appoint Mr. Bidwell to the next vacant judgeship, and conceiving himself to have been insufficiently supported on other occasions, he has refused any longer to conduct the government of Upper Canada. This resignation in the present crisis cannot but be very important. As Sir F. Head has been identified in public opinion with what is called the 'English party' in the Canadas, his retirement will be to them a humiliation,—to their opponents a triumph.

Resignation
of Sir F. Head.

In New Brunswick the popularity of the British Government has suffered no diminution. Through some misunderstanding of his instructions, Sir A. Campbell had, in the first instance, refused to pass the Civil List Bill; but having resigned his office, he has been succeeded by Sir John Harvey, by whom the arrangements with the Assembly have been brought to a successful close, and many essential reforms effected in the Executive Council, and in the expenditure of the Civil List. These arrangements have given great and general satisfaction; and there can be no doubt that the support which was anticipated from that province last year, would still be cheerfully accorded to Her Majesty's Government, in any contest with the French Canadians.

New
Brunswick.

In Nova Scotia the last session of the Legislature was marked by some proceedings of unusual importance. At an early period dissensions arose between the Council and Assembly on subjects connected with the privileges of each. Shortly afterwards a series of resolutions were proposed, and adopted by the House of Assembly, claiming the right to appropriate the whole of the Crown revenues; complaining of the composition and conduct of the Council, and praying for the introduction into it of the elective principle. These resolutions were subsequently rescinded, to be replaced by an Address* to the Crown, embodying their substance, and further praying that the Executive and Legislative Councils should be separated, and that the principle of responsibility to the Assembly should be attached to the former.

Nova Scotia.

Dissensions
between
Council and
Assembly.

Address to
the Crown.

This Address was answered† on the 6th July. On all those points, where concessions had been already made to the other North American provinces, Lord Glenelg announced the Queen's readiness to grant equal concessions to the people of Nova Scotia but to the introduction of the principle of election into the Legislative Council, and of immediate responsibility into the Executive Council, he expressed the determination of Her Majesty's Government to oppose a firm resistance. Before this answer could reach the province, the Session of the Legislature had terminated; and it is, therefore, impossible to decide in what manner it would have been received, or in what temper the Provincial Assembly may next come together.

Answer to
Address.

Another question has lately arisen in the North American colonies, which it is necessary in this place to notice. During the last few years several Acts had been passed by the respective Legislatures of

Instructions
respecting
Currency Bills.

* Appendix, No. 19.

† Appendix, No. 20.

those colonies for regulating the Currency, and the circulating medium of each. The effect of these Acts was to introduce considerable uncertainty into all financial transactions, and more especially, to affect the operations of the military chests, and the payment of duties levied under Acts of the Imperial Parliament. To obviate this inconvenience for the future, a Circular Instruction, of which a copy will be found in the Appendix[‡], was, in August 1836, addressed to the governors of all the British colonies, directing them, in future, not to assent to any Act relating to the local currency, or to the rates at which coins should pass current, or to the circulation of promissory notes, without the previous sanction of the Home Government.

No sooner was this instruction promulgated in British North America, than it was attacked in the public journals as an unwarrantable interference in the internal concerns of the respective colonies. In Upper Canada and Prince Edward Island, the two branches of the Legislature concurred in joint Addresses to the Throne for its recal. Those Addresses were submitted for the consideration of the Treasury and the Board of Trade, in the months of April and September last.

The great difficulty of disallowing Acts of this nature after they have once gone into operation, would appear, at first sight, not only to have justified, but to have demanded the instruction above recited. It was evident that the inconveniences which might attend their operation, however great, could scarcely be weighed against the embarrassments and distress which would result from the sudden annulling of Acts under which property might have already been invested—establishments set on foot—and obligations and liabilities contracted. Thus the authority of the Home Government to revise the Acts of Colonial Legislatures was, in all matters of finance, virtually neutralized; and measures were from time to time passed into laws, which were entirely opposed to the financial principles recognized in the mother country.

On the other hand, it cannot be denied that the financial principles recognized in an old established and widely commercial community, are not altogether applicable to a new and rising country; still less are they congenial to the sentiments of the inhabitants. The extraordinary profits which, in a new country, are derived from almost every investment of capital, create, and perhaps justify, a less rigid observance of the strict rules of commercial prudence. If a risk is thus incurred, enterprise is at the same time stimulated; and it may be questionable whether the benefits arising from the latter, are not more than sufficient to compensate for the former. At any rate, the legislatures of North America assert, and will no doubt maintain, that in all such matters they are themselves the best, and the legitimate judges of what is for the interests of their constituents: nor will they admit that the partial effect which their financial regulations may have on the United Kingdom, is any ground for fettering their legislative authority in such matters. The argument respecting the military chests will be met by an assertion that those chests are maintained, not for the advantage of the colonies, but to support the sovereignty of the mother country; and ought not, therefore, to be made the plea for interfering in their internal legislation: while, in respect to the duties levied under British Acts of Parlia-

[‡] Appendix, No. 21.

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ment, they may reply that the difficulty would be obviated by enacting that such duties should be paid in a metallic currency at a certain fixed rate.

But assuming these arguments to be susceptible of a satisfactory reply, a further question arises as to the power of the Home Government safely to discharge the duty which they have thus assumed. During the last session of the Legislature of Upper Canada, fourteen Bills, either for the establishment of new banks, or for the increase of the capital of existing banks, were passed and sent up to the Lieutenant Governor. These Bills were of course reserved by Sir F. Head, and are at the present moment under the consideration of Her Majesty's Government.

It can scarcely be doubted that to sanction the establishment of so many banking corporations, with authority to issue notes, would, in the present financial state of the North American continent, be an experiment of the greatest hazard. To make a selection of a part, and to disallow the rest, would be to assume an invidious task, to the due execution of which the Home Government can scarcely be competent. To disallow the whole would be to provoke a hostility which it would be impossible to encounter with success or safety. Yet, by the Instructions of August 1836, the Government have assumed to themselves the responsibility of deciding which, and how many of the proposed banks shall be allowed to come into operation, and that responsibility it is impossible for them now to decline. But there can be little doubt that the Lieutenant Governor and the Legislative Council of Upper Canada, and probably even the Assembly themselves, would have assented with less facility to some of these projects, had they not been rescued from a large share of the attendant responsibility. It may be expected that, unless some modification of those Instructions be adopted, the example which has been set in this respect by the Legislature of Upper Canada will, at no distant time, be followed by the legislatures of all the other colonies.

The Addresses from Upper Canada and Prince Edward Island, above alluded to, still remain unanswered. At the next meeting of the respective legislatures, which will fall in the coming winter, it will be necessary to announce to them the decision of Her Majesty's Government on those Addresses. In considering what that decision should be, references must of course be had, no less to the evil consequences at the present moment of any general feeling of discontent in British North America, than to the practicability of discharging beneficially towards the colonies the duty which the Government have assumed. On the course which may be adopted may probably depend the future disposition of the Legislatures of the North American provinces towards Her Majesty's Government.

It thus appears, that while the position of the Executive Government in Lower Canada is certainly not more favourable than at the close of 1836, the cordial support of two at least of the remaining provinces of North America cannot be now so securely reckoned on. In the meantime, the Imperial Parliament has been committed to the contest, and stands pledged, should the Assembly of Lower Canada persist in the course which it has adopted, to support the Government in asserting, by all constitutional means, the supreme authority of Great Britain over that province.

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Questions
now to be
decided.

Two principal questions here present themselves; first, whether the government of Lower Canada should be continued in the hands of Lord Gosford; and, second, whether the completion of the measures proposed and sanctioned during the last Session of Parliament will be adequate to a state of affairs so essentially different from what then existed.

The first of these questions has been suggested by Lord Gosford himself. While declaring his determination not to embarrass Her Majesty's Government by a resignation, should they desire to retain him in Lower Canada, he yet expresses his opinion that a person less pledged than himself to principles of conciliation, might with greater effect be entrusted with the execution of a more vigorous policy: and it is also probable that the support of the ultra English party which has been withheld from himself, might not be refused to a successor commissioned to put down by coercive measures the treasonable attempts of Mr. Papineau and his adherents. On every private consideration Lord Gosford expresses his anxiety to retire from the government; and the question is therefore disembarrassed of any feeling of delicacy towards him which might otherwise have interfered with its decision.

The second question is one of much wider range, and on the solution of which will probably depend the continuance of the connection between Great Britain and Canada.

*Colonial Office,
2d November, 1837.*

SCHEDULE OF APPENDIX TO MINUTE OF 2d NOV. 1837

-
- No. 1. Motions and Divisions in the House of Commons respecting Lower Canada.
- No. 2. Extract of Lord Glenelg's Despatch to Lord Gosford, dated 11th March, 1837.
- No. 3. Proceedings at "Montreal Anticoercion Meeting."
- No. 4. Ditto at "Quebec Anticoercion Meeting."
- No. 5. Lord Gosford's Despatch, 25th May 1837.
- No. 6. Ditto ditto. 10th June 1837.
- No. 7. Ditto ditto. 15th ditto.
- No. 8. Correspondence between Mr. Papineau and the Civil Secretary.
- No. 9. Lord Gosford's Despatch, 11th July, No. 69, with Proceedings at Loyal Meeting at Montreal.
- No. 10. Ditto ditto, 7th August, No. 80, with Proceedings at Loyal Meeting at Quebec.
- No. 11. Proceedings at Loyal Meeting at Napierville.
- No. 12. Ditto at ditto at Three Rivers.
- No. 13. Lord Glenelg's Despatch of 22d May, No. 210.
- No. 14. Lord Gosford's Speech to the Legislature.
- No. 15. Lord Gosford's Despatch, 30th August 1837.
- No. 16. Answer of the Assembly.
- No. 17. Lord Glenelg's Despatch of 31st August, marked "Secret."
- No. 18. { Ditto ditto, 8th September, Private and Confidential.
Ditto ditto, 9th September, No. 90.
Ditto ditto, 13th September, Private.
- No. 19. Address from Assembly of Nova Scotia of 13th April 1837.
- No. 20. Lord Glenelg's Despatch to Sir C. Campbell, of 6th July, No. 88.
- No. 21. Circular Despatch of 31st August 1836.

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APPENDIX.

No. 1.

Appendix.
No. 1.

LIST OF MOTIONS IN THE HOUSE OF COMMONS RESPECTING AFFAIRS OF LOWER CANADA.

*Mercurii, 8 die Martii 1837.*List of
Motions in the
House of
Commons
respecting
Affairs of
Lower Canada.
*Mercurii, 8 die
Martii 1837.*

CANADA.—Committee on the paragraph in the speech of the Lords Commissioners relating to Canada. Motion made, and question proposed, "That, in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that Province an elective body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence." (Lord John Russell). Amendment proposed, to leave out all the words after the words "Lower Canada," in order to add the words "it is advisable to make the Legislative Council of that Province an elective body." (Mr. Leader.) Question put, "That the words proposed to be left out stand part of the proposed resolution." The Committee divided; ayes 318, noes 56.

*Veneris, 14 die Aprilis 1837.**Veneris, 14 die
Aprilis 1837.*

CANADA.—Paragraph in Lords Commissioners' speech. Committee; motion made, and question proposed, "That while it is expedient to improve the composition of the Executive Council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province." Amendment proposed, to leave out all the words after the word "That," and add the words, "it is expedient to abolish the Legislative Council of the Provinces of Lower Canada." Question put. The Committee divided; ayes 269, noes 45.

*Veneris, 21 die Aprilis 1837.**Veneris, 21 die
Aprilis 1837.*

CANADA.—Order for Committee on the paragraph in the Lords Commissioners' speech relating to Canada read. Motion made, and question proposed, "That Mr. Speaker do now leave the Chair." Amendment proposed to leave out from the word "That" to the end of the question, in order to add the words, "this House will, upon this day six months, resolve itself into the said Committee," instead thereof. Question put, "That the words proposed to be left out stand part of the motion." The House divided; ayes 182, noes 29.

*Lunæ, 24 die Aprilis 1837.**Lunæ, 24 die
Aprilis 1837.*

CANADA.—In Committee. Motion made, and question proposed, "That it is expedient that so soon as provision shall have been made by law, to be passed by the Legislature of the said Province of Lower Canada, for the discharge of lands therein from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in free and common soccage in the said Province, a certain Act made and passed in the sixth year of the reign of His late Majesty King George IV., commonly called 'The Canada Tenures Act;' and so much of another Act passed in the 3d year of His late Majesty's reign, commonly called 'The Canada Trade Act,' as relates to the tenures of land in the said Province, should be repealed; saving, nevertheless, to

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all persons all rights in them vested under, or by virtue of, the said recited Acts." Amendment proposed to leave out from the word "expedient," to the end of the question, in order to add the words, "at once to repeal a certain Act made and passed in the 6th year of the reign of His late Majesty King George IV., commonly called 'The Canada Tenures Act,' and so much of another Act passed in the 3d year of His said Majesty, commonly called 'The Canada Trade Act,' as relates to the tenures of lands in the said Province; saving, nevertheless, to all persons all rights in them vested under it, by virtue of the said recited Acts." Question put, "That the words proposed to be left out stand part of the question." The Committee divided; ayes 73, noes 14.

Lunæ, 24 die Aprilis 1837.

CANADA.—In Committee. Motion made, and question proposed, "That for defraying the arrears due on account of the established and customary charges of the administration of justice, and of the civil government of the said Province, it is expedient that, after applying for that purpose such balance as, on the said 10th day of April 1837, was in the hands of the Receiver-General of the said Province, arising from His Majesty's hereditary, territorial, and casual revenue, the Governor of the said Province be empowered to issue from and out of any other part of His Majesty's revenues in the hands of the Receiver-General of the said Province, such further sums as shall be necessary to effect the payment of the before-mentioned sums of 142,160*l.* 14*s.* 6*d.*" Amendment proposed, to leave out the words after the word "That," in order to add the words "The House of Assembly in Lower Canada, by withholding the supplies necessary for carrying on the Government, have adopted the only constitutional means of obtaining a remedy for their complaints, the reasonableness of which this House has recognized, by affirming the fourth and fifth resolutions; and it is therefore expedient to await the result of the plan about to be proposed by His Majesty's Government for redressing the grievances complained of by the Canadian Parliament." (Mr. Wason). Instead thereof—question, "That the words proposed to be left out stand part of the question." The Committee divided; ayes 118, noes 32.

*Lunæ, 24 die
Aprilis 1837.*

Appendix.
No. 2.
Extract of a
Despatch
from Lord
Glenelg to
the Earl of
Gosford.
11th March,
1837.

APPENDIX.

No. 2.

*Extract of a Despatch from Lord Glenelg to the Earl of Gosford,
dated Downing-street, 11th March 1837.*

Your Lordship will perceive from the resolutions, that it is proposed that provision should be made for the payment of the salaries of the public officers in Lower Canada only to the 10th April next. It forms no part of the policy of His Majesty's Government to supersede the functions, or to interfere with the constitutional privileges of the House of Assembly of the Province to a greater extent than, under the pressing urgency of existing circumstances, has appeared to them unavoidable. It is their earnest hope, that no future appeal to Parliament may be rendered necessary, by a continued abstinence on the part of the Assembly from the exercise of those functions with which that branch of the Provincial Legislature has been intrusted; and His Majesty's Government have, therefore, resolved to endeavour, for a time at least, to contract the indispensable expenditure of the Province within the amount of those resources which are now subject to the control of the Crown and applicable to this purpose.

These funds may, as appears from the Reports of the Commissioners, be safely estimated at from 28,000*l.* to 30,000*l.* per annum. From that sum your Lordship will be able to defray the various charges which are enumerated in the Minute subjoined to this Despatch. If, as I assume, the sum of 28,000*l.* may be taken as clear from all charges of collection and management, there will remain a surplus of 2600*l.* per annum, and upwards, applicable to any unforeseen, but necessary, expenditure, which it may become your duty to incur. Even allowing for those charges, there will yet be an inconsiderable surplus of a few hundred pounds per annum. For the present your Lordship will consider the hereditary, territorial, and casual revenues as appropriated to the services enumerated in the subjoined Minute, and will apply the proceeds accordingly.

This arrangement will provide for the first and indispensable exigencies of your administration from the 10th of April. It will, however, I fear, leave many important objects unprovided for, which have formerly been included in the appropriations made by the Legislature of the Province, but for which His Majesty's Government do not feel themselves imperatively called upon to provide, in the absence of any such appropriation. Disclaiming, therefore, on the part of His Majesty's Executive Government, all responsibility for the personal and public inconvenience which may follow, the evil must, for the present at least, be encountered and sustained.

Should the funds at your disposal be more ample than I have anticipated, your Lordship will consider in what way the public interests may be best consulted in the application of any sum remaining at your disposal after providing for the services to which I have referred.

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Amongst the immediate effects of thus restricting the expenditure of the Government to objects of primary necessity, is to be numbered the want of any security which the Government can offer for the future payment of those public officers whose salaries cannot be defrayed out of the resources at the disposal of the Crown. It follows, as a necessary consequence, that immediate notice should be given to such officers, that, as His Majesty can enter into no engagement for their future remuneration, the duties which they have hitherto discharged can no longer be required from them. If they shall continue in the performance of these duties, it must be at the risk of being remunerated hereafter by supplies to be granted for that purpose by the Provincial Legislature.

Schedule.

Assuming the fund applicable to the expenses of the Local Government, without any vote from the Assembly, to amount to 28,000*l.* per annum, it is proposed to appropriate that sum to the following services:—

	£	s.	d.
Salary to Governor	4,500	0	0
Ditto to Judges	10,000	0	0
Jails, and maintenance of the peace . .	5,000	0	0
Salaries of Executive Councillors	900	0	0
Ditto, Civil Secretary	500	0	0
Contingencies of his office	500	0	0
Attorney-General's Salary	300	0	0
Solicitor-General's ditto	200	0	0
Law-officer's contingencies	1,800	0	0
Judges' circuit allowances	375	0	0
Pensions	550	0	0
Retired allowances	112	10	0
Expenses of managing Crown Lands and Revenue	2,400	0	0
	<hr/>		
	£27,137	10	0
	<hr/>		

No. 3.

Proceedings at a Meeting held at Montreal on the 29th June 1837.

No. 3.
Proceedings
at a Meeting
held at
Montreal.
29th June, 1837.

On motion of T. Peltier, Esq., seconded by William Galt, Esq.

Resolved, 1. That this meeting condemns, and solemnly protests against, the resolutions respecting the affairs of this Province, lately introduced by the British Ministry, and passed by large majorities in the Imperial Parliament, which has thereby sanctioned a principle of spoliation, that may sooner or later serve as a precedent, not only for the invasion, but for the destruction, of the rights and liberties of the other British Colonies, and even those of the people of the United Kingdom.

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Appendix.
No. 3.
Proceedings
at a Meeting
held at
Montreal.
29th June, 1837.

On motion of Dr. Robert Nelson, M.P.P., seconded by Mr. Antoine Voyer,

Resolved, 2. That the adoption of these resolutions exhibits an absolute contempt for the just demands of the inhabitants of this Province; annihilates our confidence in the British Parliament, and should convince the Canadian people that, from this time, they cannot expect from the Government of the United Kingdom either a redress of grievances or respect for their political immunities.

On motion of Joseph Roy, Esq., M.P.P., seconded by Mr. Dexter Chapin,

Resolved, 3. That inasmuch as the British Parliament, in passing one of these resolutions, has been culpable of a gross violation of our acknowledged rights, it is our imperative duty to resist such violation, by all lawful means in our power, and hereafter with becoming spirit to refrain from having recourse to a body which has declared itself so determinedly hostile to our liberties.

On motion of Dr. Beaubien, seconded by P. P. Lachapelle, Esq.,

Resolved, 4. That depending for the security and better establishment of our liberties alone upon our own energies, and on the sympathy of our neighbours on the American continent, it is prudent to prepare ourselves for the difficulties we may encounter, by habits of rigid economy in our personal expenses, and by promoting the advancement of education, agriculture, domestic manufactures, and the internal trade of the country.

On motion of C. S. Cherrier, Esq., M.P.P., seconded by E. B. O'Callaghan, Esq., M.P.P.,

Resolved, 5. That when the revenues of this Province are pilaged to satisfy the cupidity of those who have always opposed the just wants and wishes of the people, it becomes necessary, and is an incumbent duty, to diminish the sources of such revenues, by using the products and manufactures of the country, and by abstaining, as much as possible, from the consumption of such as pay duties, or are brought from beyond sea.

On motion of T. S. Brown, Esq., seconded by Fleury St. Jean, Esq.,

Resolved, 6. That a people possesses the positive right of obtaining articles of luxury or necessity in the cheapest market: that when they dispossess themselves of this right, and consent to pay duties on importations from abroad, as a convenient method of creating a revenue, it is only with an express understanding that the distribution of the revenues, so raised, shall be made by consent of their own freely chosen representatives: and that, therefore, whenever this contract is destroyed by the executive, or any foreign authority, the people are repossessed of their natural rights, and absolved from all moral obligations to contribute toward such revenues.

On motion of Mr. Joshua Bell, seconded by Mr. J. A. Labadie, N.P.,

Resolved, 7. That next to the productions and manufactures of this Province, a preference should be given to those of the United States of America, that can be procured without paying duties; and

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that it is an object of the greatest importance to us to cultivate more friendly relations with a powerful people, whose geographical position and political institutions tend to make them our natural allies, and upon whom we may rely for that sympathy that it is now useless to expect elsewhere.

On motion of Charles Ovide Perrault, Esq., M.P.P., seconded by Mr. Alexander Galt,

Resolved, 8. That this meeting condemns the conduct of the Earl of Gosford, as member of a Commission whose reports are replete with falsehoods, prejudice, and ignorance, and trample under foot all principles of justice, for the purpose of fomenting and perpetuating hatreds and national distinctions in this country: that we condemn, in like manner, his conduct as head of an administration which had no other object than to sow division among our fellow-citizens, and to succeed by means of intrigue and deception, and which has been the author of the threatened measures of coercion against the Colony: and that, in consequence, the sooner Lord Gosford performs his promise to quit this country, the moment he could no longer do any good, the better both for him and for us.

On motion of E. E. Rodier, Esq., M.P.P., seconded by P. L. Le Tourneux, Esq.,

Resolved, 9. That a local committee with power to add to its number, be named, in each suburb of this city, whose duty it will be to meet, from time to time, in their respective districts, and to explain to their fellow-citizens the state of public affairs; to encourage them to observe the several recommendations contained in the foregoing resolutions; to procure signatures to the petition to the United States of America in favour of free trade, now in course of circulation, of which we approve; to be in frequent communication with each other, and to report to, and assist, the permanent and central committee, now sitting in the city of Montreal, in the various measures which they may adopt or recommend for the public good.

On motion of G. De Boucherville, Esq., seconded by L. G. De Lormier, Esq.,

Resolved, 10. That the members of the committees named in the meetings held in the several suburbs, preliminary to this general meeting, do compose the committees mentioned in the 9th resolution.

On motion of Raymond Plessis, Esq., seconded by Mr. P. Brennan,

Resolved, 11. That this meeting, having the fullest confidence in the integrity and unflinching democracy of the Honourable L. J. Papineau, member for the west ward of this city, approves entirely of his past and present political course.

No. 4

Proceedings at a Meeting held at Quebec 4th June 1837.

Moved by Mr. Jos. Legare, sen., seconded by Mr. Ignace Gagnon,

Resolved, 1. That since many years the defects of the political institutions of this Province, the unjust, the partial and impolitic manner in which the government has been administered, the system

No. 4.
Proceedings
at a Meeting
held at
Quebec,
4th June, 1837.

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Appendix.
No. 4.
Proceedings
at a Meeting
held at
Quebec.
4th June, 1837.

of ascendancy, and division of castes and parties, that have been pertinaciously enforced, and the guilty concurrence therein, or the culpable apathy of the metropolitan authorities in relation thereto, have introduced and perpetuated a system of abuse, oppression, and violation of laws, public plunder, malversation, judicial corruption, irresponsibility in Colonial functionaries, and other evils and grievances of all descriptions under which have suffered, and still suffer, the inhabitants of this Province, without distinction of origin, religion, or language: that the people and the House of Assembly having on frequent occasions humbly represented this state of things to the Metropolitan Government, have never obtained any change therein, but on the contrary, their well-founded complaints have been repelled to subserve the interested views of Colonial functionaries, impeached by the country, and uphold the artificial and arbitrary policy of successive Ministers whatever their complexion: that we had hoped that the British House of Commons would have proclaimed itself the friend of the rights and liberties of the people of all sections of the empire, and particularly of Lower Canada, whose attachment to the institutions and the Crown of Great Britain had stood pre-eminent in the midst of the greatest trials: that we have perceived with mingled grief and astonishment, by the adoption of resolutions recently proposed by His Majesty's Ministers on behalf of the Crown, that this last bulwark of our rights has given way, and co-operates, in concert with the authorities we have denounced, in an absolute denial of justice, and in those measures of violence and coercion, of which examples are alone to be found in those times of short-sightedness, when England lost, first the affections, and afterwards the dominion over her ancient Colonies.

Moved by Mr. John McVeigh, seconded by Mr. N. F. Belleau,

Resolved, 2. That our surprise at these projects was so much the greater, from the fact that the reality of the grievances of which we complained was admitted on all hands, and particularly the pernicious effect which the existing Legislative Council had exercised in the legislation and politics of this Province; and that, nevertheless, the definitive measures of England deny a remedy to these grievances, and maintain a discredited body, and all the Colonial scaffolding of which it is the support, whilst they also tend to punish the people for having justly complained, to crush them under new evils and a violation of law that cannot even be palliated, and to destroy altogether by that means the remnant of power that was still left to check the growing mass of abuses, to command a necessary and constitutional influence, and exercise a legitimate control over the servants of the State; that we can have no doubt, from the experience of the past, and the known and avowed intentions of the three branches of Government, of the Ministers, of the late Commission, and of the metropolitan and provincial functionaries, that these measures, instead of establishing in this country an effective, popular, responsible, and protective government, aim at an indefinite increase of the power of the department of Downing-street, and of the Colonial administration, to the prejudice of those powers which legitimately belong to us and to our representatives; and we moreover believe that this inversion of all the principles that insure order and liberty is but the prelude of political bondage, of our destruction as a people clothed with recognized rights, of the violation of the most solemn

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compacts, and of the subversion of the liberties, immunities, franchises, laws, worship, language, customs, and institutions of the inhabitants of this Province.

Appendix.
No. 4.
Proceedings
at a Meeting
held at
Quebec,
4th June, 1837.

Moved by Mr. Bartholemy La Chance, seconded by M. George La Rouché,

Resolved, 3. That amongst the rights which we hold in common with all the subjects of the empire, one of the best recognized, and most sacred of which the people have been most jealous and asserted with most success, is the right of self-taxation, and its correlative, the right of an entire control over the revenue thus created: that both these rights, which are inseparable from English citizenship, and from the respect attached to the right of property, were guaranteed to the people of this Province by their accession to the British empire, by the declaratory Act of the Imperial Parliament passed in the 18th year of Geo. III. and confirmed and practically enforced by the Constitutional Act of 1791: that the representatives of the people are the only medium through which such vital rights can be exercised: that the people of this Province are not represented in the British House of Commons, nor indeed can they effectually be so; and the only legitimate authority that we can, and do recognize, either to raise a public revenue in this country, or to control and appropriate it, is the Commons House of Lower Canada, with the concurrence of the co-ordinate branches of the Legislature, in so far as the limitation of their attributes in this respect duly sanctioned.

Moved by Mr. R. S. M. Bouchette, seconded by Mr. John Teed,

Resolved, 4. That amongst the resolutions introduced in the House of Commons by Lord John Russell on Canadian affairs, that which is especially calculated to excite an universal and honest indignation is the eighth, which commits an alarming invasion of our essential rights of taxation, of control, and of property, and of a wholesome influence and action on the measures of Government: that the alienation of the public revenue of Lower Canada, without a vote of our representatives, is an usurpation which, in the eyes of the people, reflects a withering obloquy upon the whole of the existing Government of England, and its wane creation, the Colonial Government of this Province: that our fellow-subjects of all classes are interested in the result of so exorbitant an act of arbitrary power, and that we hope that those in particular who have hitherto sustained the measures adopted or projected against the liberties of this country, feeling the consequences to which such an imperial measure may lead in relation to themselves, will nobly eschew the character of oppressors which they are invited to assume, in order to maintain so violent a state of things, and frankly acknowledge the efforts of the great mass of the Canadian people to establish and preserve the liberty of all without distinction, and will unite with us to rally round the House of Assembly, and uphold, with the dignity of freemen, the privileges which it is attempted to undermine; and that in return, for ourselves, for our fellow-citizens, and for our representatives, we solemnly promise to our friends of all origins, zealously to strive, as we have done heretofore, to obliterate those distinctions fomented by Government, and to guarantee to all classes of citizens equal rights, equal liberties, equal advantages, and equal protection.

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Appendix.
No. 4.
Proceedings
at a Meeting
held at
Quebec.
4th June, 1837.

Proposed by Mr. Tourangeau, seconded by Mr. Quigley,

Resolved, 5. That acts of such flagrancy, and which are the offspring of that sad spirit which was dominant in the British councils at the period of passing the Stamp and Tea Acts, which led the free colonists to assert their rights, and lay the foundation of the most vast, flourishing, and bright republic of the world, will not affect this Province only, but in principle must bear equally upon the other Colonies who feel an interest in good government, and indeed even upon the mother-country herself, looking to the possible events of futurity. That the Colonies in general are beforehand menaced, in the event of their resorting, through their representative assemblies, to the constitutional course for the redress of grievances: that we also thank our friends of those Colonies who, suffering under the same evils, and foreseeing a like futurity, have upheld us in our just demands and in our honest and conscientious declarations upon the remedies to be applied to the disasters of the country: that the House of Assembly of Nova Scotia especially, in demanding an Elective Legislative Council, the absolute control of the public treasure, and a responsible Government, will have powerfully aided in manifesting that the spirit of liberty which is growing with the wants and the varied exigencies of the people is by no means abated in any portion of this continent; and that, notwithstanding the ephemeral causes which may have paralyzed some of these Colonies, any Government that will base its measures, not upon principle and upon justice, but upon idle calculations of force and expediency, can never have therein but a precarious existence, an irregular career, and a loose power, of which no roots are found in the will and the affections of the people.

Moved by Mr. Jos. Legare, jun., seconded by Mr. Joseph Picard
dit Destroismaisons,

Resolved, 6. That these measures of coercion, proposed with deliberation, and the consequences whereof could not be kept out of sight, are, on the part of the British authorities, a voluntary renunciation of the confidence of the people as a political tie between Canada and the empire; that the subverters of the laws cannot pretend to command a prevalence of those sentiments; and that any appeal to those sentiments by them would be an anomaly difficult to characterize; that consequently we must consider the metropolis as having assumed all the responsibility that attaches to the public affairs of this Province whenever the wishes, the rights, and the interests of the people will be violated: that such a state of things might unhappily produce, in furtherance of demonstrations already commenced, new acts of violence, for the occurrence of which the country must be prepared; that in such grave circumstances, and seeing that the Provincial Parliament was not immediately called together to enable them energetically to protest, and to propose measures of protection, it has become a duty imperative on the people in all parts of the Province to meet in public assemblies, spontaneously, boldly, and deliberately, and that so long as justice is denied to the country, in order to reclaim their invaded rights, to canvass the means of commanding for them a due respect to prevent their further and greater violation.

Moved by Mr. Eugene Trudeau, seconded by Mr. J. Lepine,

Resolved, 7. That, at the commencement of the present Provincial Administration, the Government had ostensibly held out as a

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claim to obtain a vote of confidence and a grant of public monies, the determination of doing justice and of redressing grievances: that nevertheless in now grasping at the public treasure with the sanction only of the British Parliament, the metropolis absolutely and formally rejects the essential demands of the people: that sympathy is shown but for those officers and courtiers that have misled and lost all Provincial Administrations, and so justly irritated the people, whilst the prayers and the suffering of these are heard and seen with callous indifference; that no longer misunderstanding the policy of Government in relation to us, we withhold and withdraw our confidence therefrom, resolved that, so long as justice shall be denied, and the measures now in progress shall not have been rescinded, we shall uphold the Government so far only as we and our representatives may deem judicious and beneficial to the interests of the people to avoid more immediate and greater evils; and for the sincerity of our determination, as well as for the future triumph of our liberties, we solemnly appeal to Providence, to the perseverance and virtues of the people of all origins, to the succour of our sister Colonies, and in general to the greater or lesser degree of sympathy that we may find out of the country, for our social and political existence, and for our institutions and liberties.

Moved by Dr. Rousseau, seconded by Mr. Michael Tessier,

Resolved, 8. That the promulgation of the Reports of the Commissioners, styled Royal, offers abundant and conclusive evidence that the resolutions of Lord John Russell and other measures of coercive character, which are meditated, have originated in the violent, unjust, and prejudiced recommendations of the said Commissioners, who, whilst they were making overtures of peace and studiously creating illusory hopes of conciliation, were soliciting at the hands of the Ministry the adoption of the measures of coercion that have since been revealed, and which reduced to their most simple value the fallacious professions of the present administration; and that the latter, in grounding its march upon those coercive measures and putting them into execution, will become identified with them and be the more and more responsible to the inhabitants of this Province.

Moved by Mr. Remy Malouin, seconded by Mr. Patry, jun.

Resolved, 9. That in the event of the triumph of oppression by the final adoption of the said resolutions in the British House of Commons, their ultimate sanction and their application in any way whatever, it will be the duty of the people to devise means of neutralizing their effect, and to substantially oppose them by organization: that among these means we consider the propagation of education, the diffusion of political knowledge, a preference given to the produce of the country and our domestic manufactures, and the systematic organization of the people by parishes, townships, and counties, all of which we earnestly recommend; that in order to discuss and regulate them, and to insure unanimity and mutual understanding, it is fit to declare our approbation of the project of a "General Convention of Delegates" from the different counties in the Province, that shall meet in some central locality, in conjunction with the members of the Assembly and of the Council who repudiate the said measures of coercion, in order to advise upon some wise, firm, and protective course, to meet the exigencies of the times and the imminent

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danger that threatens our liberties; that the said Delegates for the City and Banlieu of Quebec be Messrs. Eugene Trudeau, Dr. Rousseau, Charles Hunter, Joseph Légaré, sen., Robert Shore Milnes Bouchette, Jean Tourangeau, N.P., Michael Conolly, and Barthelmy La Chance, who, together with the resident members of the Assembly who are enemies to the mediated coercion, and the friends of elective institutions and good government, will constitute a committee of correspondence to communicate with the similar committees in other sections of the country, and also with the people through the medium of the press, public meetings or otherwise; with power to add new members to their committee.

Proposed by Mr. N. F. Belleau, seconded by Mr. Zacharie Chabot,

Resolved, 10. That the people of this Province are imbued with a sense of the most warm and lively gratitude towards their generous friends in the British Parliament who defended our rights and sustained our honour when both were recently assailed in the House of Commons; that they are also proud to find the working classes of London and of other important towns express their sympathetic attachment with us to free institutions and their equal aversion to oppression, both of which sentiments they have so manfully expressed; and that we equally hope that the great mass of the liberal people inhabiting the British Isles will not allow itself to be circumvented by the arbitrary conduct of its Government, but that it will view with sympathy our struggle for the preservation of our dearest rights, and will uphold us in our expected efforts to obtain an Elective Legislative Council that may, in harmony with the representatives of the people, promote the happiness of the country; an executive more directly responsible to the Colony—the preservation and enjoyment of the laws and institutions to which we are attached—and which have kept up order and sustained hope in the country notwithstanding the inroads made upon them by Government—the repeal of injurious Acts and of odious monopolies—the recognition of the authority of the Provincial Parliament over the lands of the country—and the establishment of an easy system of access thereto, under a free and direct tenure and under laws common to the inhabitants here and of other subjects of the empire, and finally the entire correction of the abuses and grievances of which we have complained.

Moved by Chs. Hunter, seconded by Remi Quirouet, Esq.,

Resolved, 11. That in all the various struggles against power on the part of the people, in every age and clime, it has always been found expedient and necessary to repose implicit confidence in and support some individual, distinguished alike by talent and patriotism, who in the opinion of all may be deemed qualified to be the organ or leader of a people; that the present times, pregnant with eventful consequences, offer no exception to the adoption of so salutary an example, but on the contrary require imperiously a unanimous declaration on the part of the people:—that the public conduct of Louis Joseph Papineau, Speaker of the House of Assembly of this Province, throughout a long and eventful career, chequered by many political difficulties, is deserving of all praise, and is entitled to the gratitude of every generous and noble mind: that in consequence, the thanks of this meeting be voted to Louis Joseph Papineau,

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esquire, as the best testimony of a people's gratitude for the great integrity, perseverance, and ability displayed by him through the whole tenour of his public life, which, for thirty years without any intermission, has been devoted to the cause of the people of this Province; a period of public service the duration of which alone is the surest guarantee to the people of the Province of the firmness and consistency of the man who, in times of trial, has invariably proved himself the friend of liberty and popular rights in Canada.

On motion of R. S. M. Bouchette, Esq., seconded by Mr. John Teed,

Resolved, 12. That the thanks of this meeting be voted to the Chairman and the Secretaries.

ET. DEFOY,	Chairman.
R. J. BELLEAU,	} Secretaries.
J. C. HART,	

No. 5.

Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Louis, Quebec, 25th May 1837.

(Confidential.)

MY LORD,

The very violent party who were alone active in calling a meeting of the county of Richelieu, on the 7th instant, to express their indignation at Lord John Russell's resolutions, feel much disappointed from the numbers and respectability of the assembly falling so very far short of their expectations. I send you a copy of the resolutions; and it is unnecessary for me to occupy your time in commenting upon them, as they will speak for themselves. I may, however, state, from authority which I have no reason to doubt, that Mr. D'Eschambaut, a seigneur of the county, who is reported in the newspapers of that party to have moved the 2d resolution, was not present at the meeting, being confined at the time by illness; and that the 10th resolution, for raising a tribute for Mr. Papineau, though reported by the same organs to have passed unanimously, was not even proposed at the meeting. Another meeting of the county of Montreal, and called by the same parties, took place on the 15th instant at St. Laurent, which was attended by Mr. Papineau, who made a long speech in his usual violent strain, and full of misrepresentations. I also enclose a copy of the resolutions there passed, in order to give your Lordship some idea of the feelings generally prevalent as regards the political views and objects of the principal actors in these proceedings. I must remark that these meetings were held, one on a Sunday, at the church-door, after divine service, and the other on a fête-day, for the purpose of swelling the number of auditors, by including those who were drawn there for the performance of their religious duties. Even with this assistance the numbers at the meeting of the county of Richelieu, including men, women, and children, fell very far short, I am informed, of the statement in the *Vindicator*, viz., "upwards of 1200 freeholders," and the num-

No. 5.
Copy of a
Despatch
from the Earl
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Lord Glenelg.
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Despatch
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of Gosford to
Lord Glenelg.
25th May, 1837.

bers at St. Laurent assembly, stated on the same authority to exceed 700, did not, from the accounts I have received from various quarters, exceed, including all descriptions of persons, 300 individuals, which is the more remarkable from the meeting being held in the most populous county, and within a few miles of the city of Montreal; and I understand that Mr. La Fontaine, M.P.P. for Terrebone, one of the most ultra of the party, who was to have addressed the meeting, declined, from the paucity of hearers. Some other meetings have been held in different parts of the country, which have proved failures, and others are in contemplation, which I have no doubt will share the same fate. All this tends to confirm me in the opinion I gave in a former letter, as to the probability of a change in public opinion, and that the Canadians were beginning to discover the real views of the ultra-radicals. I must, however, here observe, that the feeling against the Imperial Parliament authorizing the taking of the money out of the chest is very strong, and even those who reprobate the withholding of the supplies by the Assembly cannot refrain from an expression of disapprobation at this part of Lord John Russell's resolutions. I cannot contemplate the present posture of affairs without considering how far it may be desirable, should the sentiment of distrust against the Papineau party, to which I have alluded, become more marked and decided, to dissolve the Parliament, and indeed my present impression inclines me to a dissolution; for a new Parliament would, I conceive, possess materials much more likely than the existing one to appreciate any measures you might adopt for meeting the difficulties under which the Province is now labouring; and should such measures be of a conditional nature, that is, to be enforced in the event of a continued refusal on the part of the Assembly to permit the government to go on, it would have a still greater chance of acceptance, and thus the more obnoxious course of applying the money without the consent of the representatives here might become unnecessary. If, in addition to this, the legislative council should be at the same time liberalized, and an efficient Executive Council established, matters might get on smoothly. You may know of difficulties and impediments to this plan, of which I cannot see the force. Nothing is more erroneous, in my opinion, than the supposition that the French Canadians are a disloyal body: I have every reason to believe the contrary. I have not the slightest apprehension of any serious commotion coming out of these meetings, which, as far as regards the district of Montreal, are planned and concocted, and the resolutions framed, by the same individuals, few in number. who, it is understood, are desirous of substituting a republican for the existing form of government.

I have, &c.,

(Signed) GOSFORD.

The Right Hon. Lord Glenelg,
&c. &c. &c.

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No. 6.

*Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated
Castle of St. Louis, Quebec, 10th June 1837.*

No. 6.
Copy of a
Despatch
from the Earl
of Gosford to
Lord Glenelg,
10th June, 1837.

MY LORD,

In consequence of meetings held, and about to be held, in different parts of this Province, I cannot conceal from you my impression that a system of organization, under the influence and guidance of Mr. Papineau, and a few designing individuals ready to execute his purposes, is at this moment going on. The primary and ostensible object of Mr. Papineau's plan seems to be, to procure a public expression of indignation against the ministerial measures, and eventually to excite a hostile feeling against the government, and to establish a convention, which he expects will overawe the constituted authorities, and thus carry all his destructive views into execution. Under this conviction I have determined to adopt prompt measures, should they be necessary, to check the evil in its infancy. I contemplate, therefore, issuing a Proclamation, warning the people against the misrepresentations and machinations of the designing, and exercising the discretion you confided to me for increasing the military force here, by despatching your letter to Sir Colin Campbell, with a request for one of the regiments now stationed at Halifax. I must repeat, that these steps would not be dictated by the apprehension of any serious commotion; for I have every reason to believe that the mass of the Canadians are loyal and contented, but from the persuasion that the presence of a larger military force in this Province might of itself prevent the occurrence of any disturbance, by deterring the ill-disposed, securing the wavering, and giving confidence to the timid.

I have the honour to be, my Lord, your most obedient servant,

(Signed) GOSFORD.

*The Right Hon. Lord Glenelg,
&c. &c. &c.*

No. 7.

*Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated
Castle of St. Louis, Quebec, 15th June 1837.*

No. 7.
Copy of a
Despatch
from the Earl
of Gosford to
Lord Glenelg,
15th June, 1837.

MY LORD,

With reference to my Despatch of the 10th instant, I have the honour to acquaint you that, for the reasons therein stated, I thought it advisable, on further reflection, at once to forward your letter to Sir Colin Campbell, with a request that he would send to this Province one of the regiments under his command and I have also, with the advice of the Executive Council, this day issued a Proclamation, of which I enclose a printed copy, for your Lordship's information.

I have the honour to be, my Lord, your most obedient servant,

(Signed) GOSFORD.

*The Right Hon. Lord Glenelg,
&c. &c. &c.*

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Appendix.

No. 7.

Copy of a

Despatch

from the Earl

of Gosford to

Lord Glenelg.

15th June, 1837.

PROVINCE OF LOWER CANADA.

GOSFORD.

His Excellency the Right Honourable Archibald, Earl of Gosford, Baron Worlingham, of Beccles, in the county of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Upper Canada and Lower Canada, Vice-Admiral of the same, and one of His Majesty's Most Honourable Privy Council, &c. &c.

A Proclamation.

Whereas certain of His Majesty's subjects, in different parts of this Province, have recently held public meetings, and thereat adopted resolutions, having for their objects the resistance of the lawful authority of the King and Parliament, and the subversion of the laws, on the observance of which the welfare and happiness of all His Majesty's subjects, under Divine Providence, chiefly depend. And whereas at such meetings evil disposed and designing men, the instigators thereof, have by artifice and misrepresentation endeavoured to spread abroad statements and opinions, inconsistent with loyal duty to His Majesty, and with the acknowledged principles of the Constitution, injurious to the lawful authority of His Majesty and of His Parliament, and tending to persuade His Majesty's subjects that they are absolved from their allegiance, that they can no longer depend on the parent State for justice and protection, and that they must seek for the same, when a convenient opportunity offers, by other means:—

And whereas it is both my resolution and my duty to maintain and defend to the utmost, against all such unlawful proceedings and attempts, the undoubted prerogatives and powers of His Majesty and of His Parliament, in order to maintain and secure the institutions, both civil and religious, of His Canadian subjects, and to preserve peace and good government in this Province:—

And whereas upon the occasions aforesaid, representations have knowingly been made entirely devoid of truth, for the purpose of inducing His Majesty's subjects to swerve from their allegiance, and of producing a belief that the Parliament of the United Kingdom has violated or intends to violate the just rights and privileges of His Majesty's subjects in this Province, and is about to adopt oppressive measures towards them:—

Being desirous of undeceiving such as may unwarily have been led to rely upon such untrue and mischievous representations, it has become my duty, as the representative of His Majesty, to address myself most earnestly to the people of this Province, in the confidence that they will listen to the language of reason, respect unanimously those precepts of just subordination inculcated by the laws of their country, and by no act of reckless indiscretion, either compromise their present happiness and future prosperity, or permit those permanent interests to be compromised by others.

I do therefore, by and with the advice and consent of His Majesty's Executive Council of this Province, hereby most solemnly exhort all the subjects of His Majesty in this Province to unite in the cause of peace and good order, to discontinue all writings of an exciting and seditious tendency, and to eschew all meetings of a dangerous or equivocal character; and I do hereby enjoin and strictly command

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all Magistrates in and throughout the Province, all officers of militia, peace officers, and others His Majesty's good subjects therein, to oppose and frustrate the insidious designs adverted to in this Proclamation, and to preserve, by their loyal co-operation, the vigour and inviolability of the laws, on which their religion and future happiness depend.

Given under my hand and seal at arms, at the Castle of St. Lewis, in the city of Quebec, the fifteenth day of June, one thousand eight hundred and thirty-seven, and in the seventh year of His Majesty's reign.

By his Excellency's command.

D. DALY,
Secretary of the Province.

No. 8

Copy of Correspondence between the Civil Secretary and Mr. Papineau.

Castle of St. Lewis, Quebec, 12th August, 1837.

SIR,

THE attention of the Governor-in-Chief having lately been called to a report contained in the *Vindicator* newspaper of the 16th May last, of the proceedings of a meeting held on the previous day at St. Laurent, in which you are stated to have taken an active part, and where resolutions were passed, some of which distinctly recommend a violation of the laws; I am directed by his Excellency to call upon you, as one holding a commission in the militia, to state whether you were present at that meeting, and concurred in the resolutions there passed; and if so, I am to inquire whether you have any explanation to offer in this matter.

I am, &c.,
(Signed) S. WALCOTT, *Civil Secretary.*

*The Hon. L. J. Papineau, Major 3d Bat.
Montreal Militia.*

Copy

Montreal, 14th August 1837.

SIR,

The pretension of the Governor to interrogate me respecting my conduct at St. Laurent on the 15th May last, is an impertinence which I repel with contempt and silence.

I, however, take the pen merely to tell the Governor that it is false that any of the resolutions adopted at the meeting of the county of Montreal, held at St. Laurent on the 15th May last, recommend a violation of the laws, as in his ignorance he may believe, or as he at least asserts.

Your obedient Servant,

L. J. PAPINEAU.

Samuel Walcott, Civil Secretary.

No. 8.
Copy of a
Correspondence
between the
Civil Secretary
and Mr.
Papineau.
12th August,
1837.

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No. 9.
Extract of a
Despatch
from the
Earl of
Gosford to
Lord Glenelg.
11th July, 1837.

No. 9

*Extract of a Despatch from the Earl of Gosford to Lord Glenelg, dated
Castle of St. Lewis, Quebec, 11th July, 1837.*

FROM the best information that has reached me I have reason to think that the Proclamation has been useful; for although a few meetings have been held subsequently to its appearance, yet I believe they have proved failures, and are scarce worth noticing. Mr. Papineau has been recently visiting various parts of the district of Quebec for the purpose of agitation, but apparently with very little success.

Before quitting the subject of meetings, I must mention one that took place on the 6th instant, in the city of Montreal, of quite an opposite nature to those I have already noticed. It was called by a requisition signed by upwards of 1200 individuals, and was far more numerously attended than any that had yet been held, the numbers being estimated at about 4000, amongst whom were many of French Canadian origin, of great respectability, and some who had hitherto gone with the Papineau party. The objects of the resolutions that were passed, four in number, and copies of which are enclosed, are, to justify the measures of the Imperial Parliament on the ground of their being rendered necessary by the refusal of the Assembly to grant the necessary appropriations for the administration of justice and the support of the civil government of the Province; to disapprove of the conduct of the Assembly in refusing to proceed with the public business; to reprobate, in strong terms, the resolutions adopted and measures recommended at the meetings of the opposite party; and finally, to express a conviction that all real grievances will be fully redressed by His Majesty's Government, and that a continued connexion of the Province with Great Britain is essentially necessary for the prosperity and improvement of the former.

*Copy of the Resolutions passed at a Meeting held in the City of
Montreal on the 6th July 1837.*

1st. Moved by Jules Quesnel, Esq., J.P., and seconded by John Molson, Esq.,

That the unjustifiable refusal of the House of Assembly of Lower Canada to make the necessary appropriations for the administration of justice, and the support of the civil government of this Province, has been the principal cause of the resolutions brought forward by His Majesty's Ministers, and adopted by the Imperial Parliament.

2d. Moved by William Robertson, Esq., M. D., and seconded by C. S. Debleury, Esq., M.P.P.,

That this meeting highly disapproves of the outrageous proceedings of the majority of the House of Assembly in the express refusal to proceed with the public business, in their declared resolve not to co-operate with the Government, and in their fixed determination to continue the course of policy pursued by them, all which are productive of great evils to the Province, generally ruinous to the commerce of the country, and fatal to the interests of the agricultural and labouring classes.

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3d. Moved by P. E. Leclerc, Esq., J. P., and seconded by Stanley Bagg, Esq.

That this meeting cannot too forcibly express its abhorrence of the immoral and disorganizing effect of the resolutions adopted, and measures recommended, at public meetings recently held in various parts of this Province, and that this meeting reprobate them as detrimental to the welfare of the country, and directly opposed to the sentiments of fidelity to His Majesty and devotion to his Government generally, entertained by his loyal Canadian subjects throughout the Province.

Appendix.
No. 9.
Extract of a
Despatch
from the
Earl of
Gosford to
Lord Glenelg.
11th July, 1837.

4th. Moved by the Hon. Peter M'Gill, and seconded by H. Edmund Barron, Esq.,

That this meeting is impressed with the conviction that the real and acknowledged grievances of His Majesty's subjects in Lower Canada will be fully redressed by His Majesty's Government, that the continued connexion of Lower Canada with the parent State is essentially necessary for the prosperity and improvement of the Province, and that any attempt to disturb that connexion and produce a dismemberment of the empire, is directly contrary to the opinion, as it is absolutely opposed to the wishes and interests of this meeting.

No. 10

Copy of a Despatch from the Earl of Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 7th August 1837.

MY LORD,

I HAVE the honour to transmit to you herewith, for the purpose of being laid at the foot of the Throne, the enclosed loyal address which has been this day presented to me by a numerous deputation from a public meeting of the inhabitants of this city, which took place on the 31st ultimo, expressing their disapprobation of the proceedings of other meetings of an opposite tendency, that have been held in various parts of the Province, and conveying an assurance of their fidelity to the Crown, and attachment to the connexion between this Province and the United Kingdom.

The meeting, which was conducted in the most orderly and peaceable manner, was summoned by a requisition signed by, I understand, about 3000 persons, and attended by upwards of 6000 of all classes of the inhabitants of the city and vicinity of Quebec.

I beg to enclose a copy of the answer which I returned to the address.

I have the honour to be, &c.,

(Signed) GOSFORD.

The Lord Glenelg.

No. 10.
Copy of
Despatch from
the Earl of
Gosford to
Lord Glenelg.
7th August,
1837.

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Appendix.

No. 10.

Copy of
Despatch from
the Earl of
Gosford to
Lord Glenelg.
7th August,
1837.

(Copy)

To His Excellency the Right Honourable Archibald, Earl of Gosford, Baron Worlingham, of Beeches, in the county of Suffolk, Captain-General and Governor-in-Chief in and over the Province of Lower Canada, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the undersigned inhabitants of the city and vicinity of Quebec, forming a committee of the public meeting held on the Esplanade, on Monday, the 31st of July now last past, for the purpose of expressing the opinion of the said meeting on certain attempts made at other meetings held in different parts of this Province, and to convey their said opinion to Her Majesty's Government, humbly approach your Excellency, as representing our gracious Sovereign in this Province, in conformity to the resolution by which we are appointed, and most respectfully represent, on the part of the said meeting.

That we have observed with deep regret the attempts which have been made at meetings recently held in different parts of this Province to disseminate disrespect to the public authorities, and disaffection towards the British Government and Parliament, and to excite to the violation of the laws.

That whatever differences of opinion may have prevailed in the Province in regard to its public concerns, the inhabitants thereof have hitherto maintained a distinguished character for fidelity to the Sovereign, a love of public order, and obedience to lawful authority: and that is our duty and determination still to maintain this character, and resist to the utmost all acts or attempts contrary to the allegiance which is due to the British Crown, or against the public peace, or in violation of the law.

That we feel the entire conviction that the present unfortunate condition of public affairs in this Province is, in great part, owing to the misunderstandings and dissensions which have prevailed in the Legislature, and amongst the inhabitants of this Province; and that a remedy is to be found in avoiding these misunderstandings and dissensions for the future, and in cordial union of all classes in promoting the peace, welfare, and good government of the Province.

That it is equally the duty and interest of the Government and the subject in the Colony to co-operate in the remedy of all abuses which may be found to exist, to the end that the peace and prosperity of the Province may be effectually promoted, and all classes of the inhabitants be maintained in equal rights, and in the full enjoyment of security of person and property, and all the peculiar privileges which they enjoy, or to which they are legally entitled.

That under the present circumstances it is our duty humbly to assure Her Majesty's Government that it may fully rely on our fidelity to the Crown, and affectionate attachment to the connexion subsisting between this Province and the United Kingdom of Great Britain and Ireland.

We beg leave to assure your Excellency that the persons who attended at the said meeting, and concurred in the sentiments now expressed, form a majority of the inhabitants of the city of Quebec; and they humbly pray, on the part of the said meeting, that the

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aforesaid expression of their opinion, and their loyal assurance, may be transmitted to Her Majesty's Government in England.

Quebec, 3d August, 1837.

Signed by 79 persons.

(Copy.)

GENTLEMEN,

I shall have much pleasure in transmitting, as you request, to Her Majesty's Government in England the address which you have just presented to me for that purpose; and I feel convinced that Her Majesty will receive with entire satisfaction the assurances of fidelity to the Crown, of obedience to the laws, and of affectionate attachment to the connexion between this Province and the United Kingdom, which so numerous and highly respectable a portion of the inhabitants of the city and vicinage of Quebec have thus come forward to tender. These assurances, in conjunction with that union of loyalty and public spirit which has so recently been manifested in this town, cannot fail to be peculiarly acceptable at a time when the most artful and insidious attempts have been resorted to to disseminate doctrines at variance with morality and justice, and tending to the overthrow and violation of those laws and institutions which secure to the whole body of Her Majesty's Canadian subjects the rights and immunities which they now possess and enjoy.

While I deeply regret these attempts, and while my earnest endeavours shall be directed to avert the calamities they are calculated to produce, I can assure you that I shall not cease to adhere to those principles which I have ever held, and shall always be ready and anxious, while I fill the high situation confided to me by our gracious Sovereign, to co-operate in the remedy of abuses, in promoting the welfare and happiness of this Province, and in maintaining all classes of its inhabitants in the full and peaceful enjoyment of equal rights.

Castle of St. Lewis, Quebec 7th August 1837.

No. 11.

Proceedings at a Loyal Meeting held at Napierville, or L'Acadie, on 24th July 1837.

Appendix.
No. 11.
Proceedings
at a Loyal
Meeting held
at Napierville,
or L'Acadie,
24th August,
1837.

Moved by Col. Odell, seconded by Capt. Michel Langevin,

Resolved, 1. That this meeting has observed with great regret that an assembly was held in this parish on Monday, the 17th July instant, by a certain number of individuals, who wrongfully and vauntingly denominated themselves to be a meeting of the freeholders of this county, whereas the greater number of the persons present on that occasion were entire strangers to the county, who attended purposely in order to deceive the people and to propagate disorganizing and disloyal principles among them; that the necessary notifications of that meeting not having been made for the purpose of calling together the inhabitants of the county, the proceedings and resolutions had at that meeting cannot, and ought not, to

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be considered as expressive of the sentiments of the people of this part of the Province, and that it is the bounden duty of this meeting to protest against the proceedings which then took place, and the resolutions which were there adopted.

Moved by Capt. Ant. Robert, seconded by Capt. Edward March,

Resolved, 2. That the line of conduct pursued by a majority of the Commons House of Assembly for some years past, and the continued refusal of that body to co-operate with the other branches of the Legislature in the discharge of the duties springing out of the relation in which it stands towards the people of the Province, have imposed upon His Majesty's Ministers the necessity of resorting to the authority and interposition of the Imperial Parliament, for the purpose of arresting a course of things detrimental to the best interests of the Colony, and fraught with injury to all classes of its population.

Moved by Capt. Daniel Stott, seconded by J. B. Lamoureux, Esq.,

Resolved, 3. That the Assembly having virtually abdicated its functions in refusing to contribute towards the expenses of the local government and the administration of justice, except upon terms which would insure to it a paramount, if not an exclusive authority, in the legislature and government of the country, this meeting feels itself called upon to express its approval of the resolutions recently submitted by the King's Ministers to the House of Parliament, and to declare the interference of the Imperial Government to have been, under the circumstances disclosed, not only expedient but urgent.

Moved by Col. F. Languedoc, Esq., seconded by Capt. Fred. Singer,

Resolved, 4. That this meeting condemns the measures suggested and the principles avowed at various meetings recently held in different parts of the Province, under pretence of giving expression to public opinion upon the resolutions, as dangerous in their tendency, subversive of the fidelity which the people owe to their Sovereign and his Government, and calculated to foster impressions the most erroneous, with respect to the sentiments and affections of His Majesty's Canadian subjects.

Moved by Major H. Wilson, seconded by Pierre Poissant, Esq.,

Resolved, 5. That this meeting disclaims any participation in the sentiments or objects which appear to have prompted these assemblies, and is assured that the majesty of the laws, and a steady exercise of authority on the part of the executive government, have become necessary, and will be found adequate to preserve the peace of the country, and to check the further diffusion of those seditious and disorganizing principles, by which a hitherto peaceable and happy community is sought to be disturbed.

Moved by Casimir Dupuis, Esq., seconded by Timothy Appleton, Esq.,

Resolved, 6. That this assembly, confiding in the honourable intentions of His Majesty's Government towards his Canadian subjects, is determined in its purposes to maintain inviolate the connexion which exists between the Colony and the parent State.

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Moved by John McCallum, Esq., seconded by Winslow Williams, Esq.,

Resolved, 7. That this meeting approves of the pacific administration of his Excellency Lord Gosford, the Governor of this Province, and deems it a duty to acknowledge that he has manifested an earnest desire to promote the good of the country, and the welfare and happiness of the people of this Province; and it is assured that this disposition of his Excellency would have been followed with real and beneficial effects, had the majority of the House of Assembly not refused to co-operate with him in measures necessary for the general weal and prosperity of the country.

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Moved by P. Gamelin, Esq., seconded by Joseph Brissett, Esq.,

Resolved, 8. That this meeting is of opinion that the inhabitants of this Province can have now no real complaint to make against the British Government; that it firmly believes that all the troubles which disturb this Province originate from the ambitious dreams and idle projects of Louis Joseph Papineau, Speaker of the House of Assembly of this Province, who, with a few obscure agitators, tread through the country, using their utmost efforts to deceive and mislead the people, and induce them to pronounce opinions upon matters, the import of which they know not; and this meeting is fully satisfied that the people cannot live under any authority which could render them more happy and afford greater protection, and the enjoyment of civil and religious liberty, than under that of the paternal government of Great Britain.

Moved by T. Brissett, Esq., seconded by Captain William A. Fisher,

Resolved, 9. That this meeting censures and highly and openly disapproves of the parliamentary conduct of the representatives of the county of L'Acadie, who, far from fulfilling their duty in proposing, advocating, and sanctioning laws necessary for the prosperity and welfare of the community, and the advancement of its interests, such as the abolition of the feudal tenure, the establishment of register offices, bankrupt laws, hypothecary rights, &c. &c. &c., have only lent themselves to second the views of the majority of the House of Assembly, in disputes relative to legislative and speculative prerogatives, and by such conduct have perverted and abused the sacred charge reposed in them for the general good of the people.

Moved by Captain M'Allister, seconded by James Brisbane, Esq.,

Resolved, 10. That the proceedings of this assembly be transmitted to his Excellency Lord Gosford, with a humble request that they be placed at the feet of His Gracious Majesty, as an authentic proof of the sentiments of respect and fidelity which animate his loyal subjects of the county of L'Acadie, which, in every respect, appears to be the expression of, and in unison with, the feelings of the great majority of the inhabitants of Lower Canada.

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Appendix.
No. 12.
Proceedings
at a Loyal
Meeting held
at Three
Rivers.
25th August,
1837.

No. 12.

*Proceedings at a Loyal Meeting held at Three Rivers on
25th July 1837.*

Resolved, 1. That this meeting disapproves of the obstinate refusal of the majority of the House of Assembly of Lower Canada to provide the necessary grant for the administration of justice, and the maintenance of the civil government of this Province, and that the general state of hardship in which this country actually is, is the consequence of the want of that appropriation.

Resolved, 2. That the House of Assembly, in refusing to proceed to public business until the Legislative Council be rendered elective, has wholly impeded the progress of this Province, and that that dispute is the source of endless evils, which already weigh heavily upon this country, and prevent the wealth and happiness of its inhabitants.

Resolved, 3. That we view with regret that the two branches of the Imperial Legislature have passed resolutions, tending to authorize the Governor of the Province to pay out of the provincial revenues the arrears due for the ordinary expenses of the administration of justice, and of the civil government of the Province, and that without the participation of our House of Assembly: but we are fully convinced that His Majesty's Ministers would never have attempted to interfere with the Constitutional Act, if the House of Assembly had not explicitly demanded it, in contradiction of the petition sent from this country in 1827, and if the said House of Assembly had not obstinately refused to provide for the necessary supplies.

Resolved, 4. Being satisfied with the Constitutional Act, by which we have been governed for nearly half a century, and dreading alterations which might be therein made, without our knowledge, and against the wishes and intentions of the people of this Province, we desire, as we have always done, to preserve it unaltered.

Resolved, 5. Relying upon our rights, as well as upon the justice of the Imperial Government, for the redress of grievances of which we have reason to complain, we shall use every just, legal, and constitutional means to obtain it. That the tone of speeches uttered, and the resolutions adopted at certain meetings, held in different parts of the province, far from enabling us to obtain speedy justice, cannot but irritate against us a great portion of our fellow-citizens, as well as the Ministers and the Imperial Parliament.

Resolved, 6. That the appeal to heinous passions, to contempt of the laws, to smuggling, to foreign sympathies, are words but otherwise expressed to mean theft, murder, and treason; that this meeting ought to express, and expresses its horror of such proceedings, which tend to draw numberless evils upon this Province, and ought to attract the animadversion of the law upon their guilty authors.

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No. 13.

*Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated
Downing-street, 22d May 1837.*

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No. 13.
Copy of
Despatch from
Lord Glenelg
to the Earl
of Gosford.
22nd May, 1837.

MY LORD,

I HAVE the honour to inform you that the resolutions on the affairs of Lower Canada, which you are already aware had been adopted by the House of Commons, having been subsequently communicated at a conference to the House of Peers, have been assented to by their Lordships without a division. In pursuance of those resolutions it is the intention of His Majesty's Government immediately to introduce into Parliament a Bill, which, in addition to the authority with which it is proposed to invest the Governor to discharge the arrears due for the various public services in the Colony, will embrace such of the other topics comprised in the resolutions as require a Legislative sanction. In the mean time, and until you receive the direct sanction of an Act of Parliament, you will not consider yourself at liberty to depart from the ordinary course to be observed in the appropriation of any portion of the public revenue which has hitherto been subject to the control of the Provincial Legislature. The opinion, indeed, which has already been so clearly expressed by both Houses of the Imperial Parliament, as to the necessity of investing you with this authority, leaves no room for doubt as to the result of the proposal of the requisite enactment for this purpose; but His Majesty's Government are still willing to hope that the exercise of the power to be intrusted to you may be rendered unnecessary by the intervention of the Provincial Legislature.

To avoid the necessity of violating one of the great principles of the Canadian Constitution, we have been willing to make every sacrifice, excepting that of the honour of the Crown and the integrity of the empire; and even now we are anxious that the experiment should be tried, whether yet a possibility remains of reconciling the assertion of those paramount interests with the maintenance of the principles of the Parliamentary Charter of 1791. The interval which must elapse before the proposed Bill can have passed through both Houses of Parliament and have been transmitted to your Lordship, affords an opportunity, of which His Majesty's Government are happy to avail themselves, of inviting the House of Assembly to reconsider the course by which they have attempted to enforce their demands, after they shall have been made acquainted with the deliberate opinion of both Houses of Parliament on the several points at issue. I cannot but entertain the hope that this opinion, expressed in the most decisive manner, after full and protracted discussion, may not be without its due weight on the deliberations of the House of Assembly, and that they will feel that they are best consulting the interests committed to their care by receding from the extreme ground which they have recently taken, and by co-operating with His Majesty's Government and the Imperial Parliament in effecting those salutary improvements in the Provincial Government, and the working of the existing Constitution, from which real and important benefits may accrue to all classes of His Majesty's subjects in Lower Canada. The King would not authorize your Lordship to submit to the Assembly any proposal derogatory from the high estimation which justly attaches to the representatives of the Canadian

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people. But His Majesty is assured that no real dishonour or well-founded reproach would be incurred by the House if that which has been refused to the Executive Government, acting alone and unsupported by the British Parliament, should be conceded to the united voice of the Imperial Legislature.

In this hope, and resolved to omit no possible effort for reconciling these differences, His Majesty commands me to instruct your Lordship, on the receipt of this Despatch, to convene the Provincial Legislature for the earliest day at which it can be conveniently called together. It is, indeed, possible that circumstances with which I am unacquainted, but of which your Lordship will be in possession, may render a strict adherence to this injunction inexpedient. In that case a discretion will, of course, remain with you as to the precise period for which the Legislature should be summoned. Any delay, however, not imperatively demanded by the force of such circumstances, appears to me undesirable.

You will communicate to them, on their meeting, the proceedings which have taken place in Parliament, and the resolutions which have been adopted on the affairs of Lower Canada. You will express to them the deep regret and reluctance with which His Majesty's Government have yielded to the necessity of invoking the interference of Parliament in order to meet the pressing difficulties which other resources had failed to remove in the administration of the affairs of the Province. You will further express to the House of Assembly the anxious hope that you may not be compelled to exercise the extreme power with which Parliament has declared its intention of investing you in order to discharge the arrears due for public services in the Colony, for the payment of which the faith of the Crown has been repeatedly pledged. You will inform them that the chief object with which they are called together at present is, that before the Bill, founded on the resolutions, shall reach Lower Canada they may have an opportunity of rendering that part of it which rests on the 8th resolution unnecessary and inoperative by a grant of the supplies requisite for the purposes for which it is intended to provide. You will further express to them the earnest desire of His Majesty's Government to co-operate with them in the removal of every obstacle to the beneficial working of the existing Constitution, and in the correction of every defect which time and experience have developed in the laws and institutions of the Province, or in the administration of its government. You will assure them of a prompt attention on the part of His Majesty's Government to every representation which may proceed from them tending to effect improvements of this nature, calculated to strengthen the connexion subsisting between this country and Lower Canada, by the promotion of the welfare and the interests of all classes of His Majesty's subjects in the Colony. I trust, also, that you will be enabled to appeal to the alterations which may have been made in the composition of the Councils as a proof of the sincerity with which His Majesty's Government are disposed to carry into effect the intentions which they have expressed on this head. With reference, however, to this particular branch of the subject, I must defer any more explicit observations until I shall have received from your Lordship the communication which you have given me reason to expect at an early period, and which I trust I shall receive in ample time to enable me to address you further respecting it before

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the meeting of the Legislature. There are other topics which will readily suggest themselves to your own mind as fit to be introduced into your communication to the Legislature on its meeting; and I may probably have occasion to refer to this subject in the interval which must elapse before the commencement of the Session. I have, however, felt it my duty to give you this general outline of the nature of the speech with which I think it will be desirable that you should address them in His Majesty's name.

It may, perhaps, be necessary that I should also advert to three contingencies, for either of which your Lordship should be prepared. First, In pursuance of the resolution with which they separated, the House of Assembly may refuse to meet in sufficient numbers for the transaction of business, or having met, to proceed to business, or they may resume their legislative duties in the same spirit of resistance which they formerly manifested.

Secondly. The House may proceed to business without any avowed spirit of resistance; but their subsequent proceedings may afford convincing evidence of an intention to postpone, to an indefinite or remote period, a decision on the application which you will have submitted to them for the payment of the arrears.

Thirdly. The House may, at their meeting, give proof of a more conciliatory disposition and may justify the hope, that the continuance of the Session will issue in the satisfactory adjustment of the questions in debate.

In the first or the second of these events it will be alike your duty to proceed to a prorogation. Unfortunate as the necessity of adopting that measure may be, it is yet of light moment compared with that of appearing to fail in decision and fixedness of purpose in the present posture of affairs in Lower Canada. Your Lordship will pursue whatever course may seem best adapted to render it known to the parties more immediately concerned that, if this effort to obtain the co-operation of the Assembly shall fail, the powers with which you may be intrusted by Parliament will infallibly be brought into exercise.

If, on the other hand, the House shall meet in such a spirit as to justify the hope of a satisfactory termination of the questions in debate, and should, within a reasonable time, provide for the payment of the arrears, His Majesty's Government would most sincerely share in the satisfaction which I am convinced your Lordship would feel in the necessity having been happily removed for the adoption of that extreme and ultimate remedy which the Parliamentary resolutions contemplate.

It is further necessary that your Lordship should be prepared to act decisively regarding the demand which the Assembly will, of course, renew for their contingent expenses, if they should proceed to the despatch of public business. Under ordinary circumstances I should regard the admission of this demand as hardly capable of debate; but in the present posture of affairs it must be admitted cautiously, and not without due reserve: I cannot admit that the government would be justified, far less that it is bound, to give its sanction to the unlimited issue of public funds for the contingencies of the House of Assembly, while that House refuses or fails to provide for any other of the ordinary civil expenditure of the Province. To any application of this nature, therefore, the answer should, in

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substance, be an avowal of your willingness to issue a moderate sum for the immediate expenditure of the House. Further supplies for this purpose should only be issued from time to time as the exigencies of the public service may demand. It would be right, also, to consider whether the House should not be required to render an account of the expenditure of the sums already issued for contingencies. There are not wanting motives at once weighty and obvious for checking any mismanagement of these funds: while, on the other hand, to withhold them, so as to impede the free exercise of the functions of the House of Assembly, would be at once useless and unjustifiable.

I have, &c.,

(Signed) GLENELG.

The Earl of Gosford,
&c. &c.

Appendix.
No. 14.
Copy of
Lord Gosford's
Speech on
opening the
Session.

No. 14.

Copy of Lord Gosford's Speech on opening the Session.

Gentlemen of the Legislative Council—Gentlemen of the House of Assembly,

IN obedience to the royal commands, signified to me through the Principal Secretary of State for the Colonies, I have convened you at this unusual period for the purpose of communicating to you the proceedings that, since your last Session, have taken place in the Imperial Parliament, and the resolutions that have been therein adopted on the affairs of this Province.

This course has been prescribed to me in order to afford the House of Assembly, before that resolution which relates to the payment of the arrears now due for the Civil service of the government shall have assumed the binding shape of a law, an opportunity of reconsidering the course which, for the last four years, they have thought it expedient to pursue with respect to the financial difficulties of the Province, and in the earnest hope that, by a timely intervention of this Legislature, the exercise of the power intended to be intrusted to the head of the local government may be rendered unnecessary,—a result, for the attainment of which Her Majesty's Government would willingly make every sacrifice save that of the honour of the Crown and the integrity of the empire.

Since the receipt of the instructions to which I have alluded the mournful intelligence has reached us of the demise of our late deservedly-beloved Monarch. Few kings have reigned more in the affections of their subjects than William the Fourth. The warm and lively interest he always took in every matter connected with the welfare of his Canadian subjects cannot fail to increase their feelings of regret for his loss.

The accession of our present Gracious Sovereign Queen Victoria to the throne of the British empire has not produced any alteration in the course that had been previously prescribed for my adoption.

The Reports of the Royal Commissioners on the several subjects which came under their investigation during their stay in Lower Canada having been laid before the two Houses of the Imperial

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Parliament, a series of resolutions, ten in number, were shortly afterwards introduced by Ministers, relative to the affairs of this Province, copies of which I shall communicate to you in the usual way at the earliest opportunity. The principal object of these resolutions are to declare,—

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First. That in the existing state of Lower Canada it is unadvisable to make the Legislative Council elective; but that it is expedient to adopt measures for securing to that branch of the Legislature a greater degree of public confidence.

Secondly. That while it is expedient to improve the composition of the Executive Council, it is unadvisable to subject it to the responsibility demanded by the House of Assembly.

Thirdly. That the legal title of the British-American Land Company to the land they hold under their charter, and an Act of the Imperial Parliament, ought to be maintained inviolate.

Fourthly. That as soon as this Legislature shall make provisions by law for discharging lands from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in free and common soccage, it is expedient to repeal "The Canada Tenures Act," and "The Canada Trade Act," so far as the latter relates to the tenures of land in this Province, saving, nevertheless, to all persons the rights vested in them under or in virtue of those Acts.

Fifthly. That, for defraying the arrears due on account of the established and customary charges of the administration of justice, and of the civil government of the Province, it is expedient that, after applying for that purpose such balance as should, on the 10th day of April last, be in the hands of the Receiver-General, arising from the hereditary, territorial, and casual revenues of the Crown, the Governor of the Province be empowered to issue out of any other monies in the hands of the Receiver-General such further sums as shall be necessary to effect the payment of such arrears and charges up to the 10th of April last.

Sixthly. That it is expedient to place at the disposal of this Legislature the net proceeds of the hereditary, territorial and casual revenues of the Crown, arising within the Province, in case the said Legislature shall see fit to grant a Civil list for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal officers of the civil government of the Province;—and lastly,

That it is expedient that the Legislatures of Lower and Upper Canada, respectively, be authorized to make provision for the joint regulation and adjustment of questions respecting their trade and commerce, and of other questions wherein they have a common interest.

Having thus laid before you an outline of the measures contemplated by the resolutions, which were passed after full discussion in the House of Commons by large majorities, and in the House of Peers without a division, I proceed, in obedience to the royal commands, to assure you that it was with the deepest regret and reluctance that Her Majesty's Government yielded to the necessity of invoking the interference of Parliament, in order to meet the pressing difficulties which other resources had failed to remove in the administration of the affairs of the Province.

But with a view to abstain as much as possible from any interference which is not imperatively demanded by the force of existing

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circumstances, Her Majesty's Ministers have determined not to submit to the present Parliament the Bills to be founded on the resolutions of which I have just spoken; yet, as they cannot overlook the necessity of making immediate provision for the discharge of the debt due from the civil government of this Province, they have resolved to propose to the House of Commons, that a vote of credit should be passed for the advance, by way of a loan from British funds, of the sum required for the payment of that debt.

Gentlemen of the House of Assembly,

The accounts, showing the payments that have been made since the close of the Session in March, 1836 out of the revenues at the disposal of the Crown, in part liquidation of the large arrears then due in respect of the civil establishments of the Province, shall, as soon as possible, be submitted to you, with every explanation that you may desire and I can supply. I have, likewise, in obedience to the injunctions I have received, directed that an account of the balance of arrears owing on the 10th of April last, for official salaries, and the ordinary expenditure of the Local Government, be made out and laid before you, with an estimate for the current half year; and in recommending, as I do most earnestly, these matters to your early and favourable consideration, I am commanded to express to you at the same time the anxious hope that the Governor of this Province may not be compelled to exercise the power with which the Imperial Parliament has declared its intention of investing him, in order to discharge the arrears due in respect of public services, for the payment of which the faith of the Crown has been repeatedly pledged. The chief object, therefore, for which you are now called together is to afford you an opportunity, by granting the requisite supplies, of rendering unnecessary, on the part of the Imperial Parliament, any further action on the 8th of the series of resolutions to which I have alluded; and it will, I can assure you, be to me matter of unmixed satisfaction should you resolve to concede to the united voice of the British people, as expressed through the several branches of their Legislature, that which you have not thought it expedient to yield to the solicitations of the Executive Government alone.

Gentlemen of the Legislative Council—Gentlemen of the House of Assembly,

I am further commanded to express to you the earnest desire of Her Majesty's Government to co-operate with you in the removal of every obstacle to the beneficial working of the existing Constitution, and in the correction of every defect which time and experience have developed in the laws and institutions of the Province or in the administration of its government: and I am also to assure you of a prompt attention on the part of Her Majesty's Government to every representation which may proceed from you, tending to effect improvements of this nature, calculated to strengthen the connexion between Great Britain and Lower Canada, by the promotion of the welfare and the interests of all classes of Her Majesty's subjects in the Province.

At the time the summons was issued for assembling you on this day, I had every reason to believe that it would have been in my power to announce to you, as effected, those alterations which you may gather from the resolutions of which I have spoken it is intended

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to effect in the composition of the Executive and Legislative Councils; but the interruption, occasioned by the demise of His late Majesty, to the progress of public business in the Imperial Parliament, and the prospect of its early dissolution, have prevented the Ministers of the Crown from at once perfecting the measures they have in contemplation. These measures, therefore, are not forsaken, but only unavoidably suspended for a season; and I trust I shall at no very distant period be enabled to appeal to the changes introduced into the two Councils, as well as to other salutary arrangements, as a proof of the sincerity with which Her Majesty's Government are disposed to carry into effect the intentions they have expressed on these points.

Since the end of the last Session, several local Acts have expired, and I would suggest for your consideration the expediency of renewing such of them as may have proved useful. I would, moreover, especially invite your attention to the Acts relating to the district of Saint Francis, the duration of which is limited to the end of the Session of the Provincial Parliament next after the 1st of May last.

The severe distress which, in consequence of the partial or total failure of the crops, was experienced during the last winter in several parts of the Province, induced me, upon the urgent representations I received on the subject, and in order to avert the approaches of famine, to grant out of the public funds that succour which the means of the suffering inhabitants were inadequate to afford. Nor did I hesitate in the pressing emergency of the case to assume this responsibility, encouraged by the liberality you have displayed on similar occasions. In granting, however, such assistance, security was in each case taken for the repayment of the monies so advanced, in the event of your declining to sanction the transactions. These advances amount in the whole to about 5600*l.*, for which, as well as for the sums I have issued for the preservation of the public works on the Chambly Canal, and for the maintenance of the quarantine establishment, I trust you will see no objection to grant an indemnity. Such of the documents and vouchers connected with these several disbursements, as are not already before you, shall be submitted to you with as little delay as possible.

In conclusion, Gentlemen, I shall repeat my determination to adhere to those principles which I laid down for my guidance when I first addressed you. They are calculated, I conscientiously believe, to promote the real interests of the country, and to secure to all classes of Her Majesty's Canadian subjects those rights, privileges, and liberties which the spirit of the Constitution was intended to impart, and which every friend to that Constitution is bound to support and maintain.

No. 15.

Copy of the Address of the Assembly in reply to Lord Gosford's opening Speech.

To His Excellency the Right Honourable Archibald, Earl of Gosford, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

1. WE Her Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, humbly thank

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your Excellency for your Speech from the throne at the opening of the present Session. We assure your Excellency that at whatever season we may be called upon to perform the duties intrusted to us by the people of the Province, no personal inconvenience will prevent our labouring, as our first and most important occupation, to secure the liberties and happiness of our fellow-subjects, to remove the evils which have pressed, and still continue in a more aggravated form to press, upon them, and to protect them against the system which has corrupted the Provincial Government, and has been sufficiently powerful not only to cause the mother-country to refuse all justice to the people, with regard to their demands and ours for the improvement of their political institutions, and for the reform of abuses, but to urge the highest metropolitan authorities, who ought to be just and protecting, to acts of violence, to a violation of the most sacred and best established rights of the Canadian people and of this Legislature, and to the destruction of the very foundations of the Government. We are, then, bound by our duty frankly to declare to your Excellency, under the solemn circumstances in which we are placed, and after full and calm deliberation, that since the time when we were last called to meet in Provincial Parliament, we have seen, in the conduct and proceedings of the Metropolitan Government and of the Colonial Administration towards this country, nothing which could re-establish in the people the confidence and affection which the long and fatal experience of the past has almost destroyed; but that, on the contrary, every recent event has tended to efface what remained of these feelings, and to consolidate, in opposition to the liberties, interests, and wishes of the people, the Colonial oligarchy factiously combined against them, and the hitherto unbridled and uncontrolled sway of the Colonial Ministers in Downing-street.

2. The avowal which it has pleased your Excellency to make to us, that the disposition of the authorities and of Parliament with regard to us, and the oppressive and unconstitutional measures which have been the result, are the consequences of the recommendations made by certain pretended authorities known by the name of the Royal Commissioners, has convinced us of the correctness of the opinions we have heretofore expressed with regard to this Commission; which, constituted and acting under no law, and without regard to law, and bound beforehand by its instructions to the partial views and narrow policy of the British Ministry in the government of the Colonies, could not possibly co-operate in doing justice to the inhabitants of this Province, and in establishing their institutions, their liberties, and their prospects for the future, on the solid basis of their wishes and their wants, as well as on the principles of the Constitution. We were therefore nowise astonished at discovering in the productions of this pretended Commission nothing but pre-conceived opinions, prejudices at variance with its mission and its duty, ideas of government founded on data utterly foreign to the country, or at finding it fomenting division and national distinctions, forgetful of constitutional principles, calumniating the provincial representation, and practising deception towards this House and the people. We are bound especially to notice in the Reports in question, as far as they have come to our knowledge, one essential and paramount contradiction which pervades every part of them, and

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forms their essence. It is, that while they admit the reality of the greater portion of the abuses and grievances of which we have complained, the Commissioners do not recommend their removal and the destruction of the causes which had produced them, but an act of aggression against this House which has denounced them, and the absolute destruction of the representative government in this Province, by the illegal and violent spoliation of the public monies of the people by the Ministers or by the Parliament: whereas it was the duty of the Commission and of the mother-country to assist this House in the entire removal of these evils, and in rendering their recurrence impossible, by reconstituting the second branch of the Legislature by means of the elective principle, by repealing all laws and privileges unjustly obtained, and by insuring the exercise of the powers and legitimate control of this House over the internal affairs of the Province, and over all matters relative to its territory and the wants of its inhabitants, and more especially over the public revenue raised in it.

3. These remarks will render unnecessary a portion of those which we might have been led to make on the series of resolutions spoken of by your Excellency, and which, being proposed by Lord John Russell, one of the Ministers of the Crown, were adopted by the two Houses of the Parliament of the United Kingdom. We perceive in this measure, on the one hand, a formal and total refusal of the reforms and improvements demanded by this House and by the people; and on the other, an abuse of the powers of Parliament for the purpose of destroying by force the laws and Constitution of the Province; of violating, with regard to us, the most sacred and solemn engagements, and of thereby establishing irremediably, on the ruin of our liberties, and in the place of the legitimate, efficient, and constitutional control which this House, and the people through it, have a right to exercise over all the branches of the Executive Government,—corruption and intrigue, the pillage of the revenue, the seizure of the best resources of the country by the Colonial functionaries and their dependents, the domination and ascendancy of the few, and the oppression and servitude of the mass of the inhabitants of this Province, without distinction of class or of origin.

4. It is our duty, therefore, to tell the mother-country that if she carries the spirit of these resolutions into effect in the government of British America, and of this Province in particular, her supremacy therein will no longer depend upon the feelings of affection, of duty, and of mutual interest, which would best secure it, but on physical and material force,—an element dangerous to the governing party, at the same time that it subjects the governed to a degree of uncertainty as to their future existence and their dearest interests, which is scarcely to be found under the most absolute governments of civilized Europe. And we had humbly believed it impossible that this state of permanent jeopardy, of hatred, and of division, could be knowingly perpetuated by England on the American continent; and that the liberty and welfare of every portion of the empire were too dear to the independent body of the English people, to allow them to prefer maintaining, in favour of the functionaries accused by the people of this Province, the system which has been hitherto its bane.

5. If, even before the opening of the present Session, we had been individually undeceived in this fond hope by public report, if

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we had little expectation that a sudden change in the councils of the empire should place us at once in possession of the benefits of the constitutive reforms which we had declared to be essential, and such as would alone be sufficient, it was still natural that we should most anxiously look forward to our being called together in Parliament; because it was at least to be supposed that most important reforms had been effected in the administration of the government, and that others were speedily to follow them. We have learned with fresh regret, from your Excellency's Speech, that no such reform has been effected, or will be so at any near and determinate period, notwithstanding the so often repeated pledges of the Government. Your Excellency has been pleased to allude distantly to the improvement of the composition of the Legislative and Executive Councils of this Province. With regard to the Executive Council, we shall here forbear any painful reflections on the unmodified existence of that body, after it had been so solemnly repudiated by your Excellency in the name of the Crown, and on its co-operation with the other portions of the provincial executive in a system of premeditated coercion to effect the overthrow of the laws and Constitution, of incrimination, persecution, and arbitrary removals from office, directed against the mass of the people who remain faithful to the true principles of the British Constitution, and who have manifested their attachment to their assailed liberties. We further represent that the present executive, having, instead of performing its promises of justice and of the removal of abuses and grievances, entered upon the dangerous and slippery path which has been the ruin of preceding administrations, and having utterly alienated from it the affection of an important portion of those of Her Majesty's subjects most devoted to the liberty and welfare of the country, in order to bestow its confidence and that of the Government with partiality on those only who flatter it, no longer possesses in the person of its chief, or in those of its other members, the capability of effecting the reforms indispensably necessary as preliminaries to any arrangement between the Government of the mother-country and the Colony, in a just, equitable, and impartial manner, adapted to satisfy this House and the people, and more especially to ensure between the several branches of the Legislature that co-operation and that uniformity of general views which we persist in believing to be absolutely requisite. We should have hoped that, as a pledge of the sincerity of the Government, the Legislative Council would have been so remodelled as to enable us to ascertain up to what point it had been rendered capable of legislating conformably with the wishes and wants of the people, and to act according to the conclusion to which we might have come on this important subject. This essential reform having been omitted, we are bound to declare that our duty towards the people, by whom we are sent here, imperiously requires us to follow, under existing circumstances, the course adopted by us in our address of the 30th September 1836: we therefore persist therein, as well as in all the declarations and demands therein contained. The reforms which your Excellency announces as having been delayed, will nevertheless, if effected in a spirit of justice and harmony, become a powerful motive with us for examining whether the Legislative Council, in its present form of constitution, could even for a time co-operate with

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us in a system of legislation conformable to the interests of the people, and of thereby ascertaining whether it shall have been so remodelled as to induce us to manifest confidence in Her Majesty's Government.

6. In our efforts to remove the evils which have pressed upon our country, we have had recourse to none but constitutional means, founded on the most approved and best recognized principles. We have it so much at heart to see the Government once more deserve the public confidence, that to assist it in obtaining that confidence we should recoil before no sacrifice but that of the liberties or of the honour of the people. We have given proof of this disposition, even of late, whenever we have been able to entertain a hope that we were thereby aiding to advance the prosperity of the country. But we declare that in the present conjuncture we have not been able to derive from your Excellency's Speech, or from any other source, any motive for departing even momentarily from our determination to withhold the supplies until the grievances of the country are redressed.

7. Your Excellency acknowledges that the chief object for which we are now convened is to afford us an opportunity, by granting the supplies, of preventing their being violently taken by an Act of the Imperial Parliament, founded on the resolutions already adopted. In the absence of any other motive for thus recurring to our authority, than the tardy consideration of the character of those resolutions as well as of the Act of which they might form the basis, Her Majesty's Government might, we humbly conceive, have recollected that those resolutions are not our work, that we had already fully deliberated on the demand made to us by your Excellency, and that while we have not before us any act, or even any hope which can promise a mitigation of the evils under which the people are suffering, we should not be justifiable in placing in the hands of hostile powers the means of aggravating and perpetuating those evils.

8. There could exist, then, no considerations but such as might be dictated by a servile fear foreign to our mandate, and derogatory to the character of the people, to induce us to be wanting to our duty in the present instance, by ratifying the violation of the rights of our constituents and of this House by the British authorities, and by taking on ourselves the responsibility of the consequences which might result from it. We leave this responsibility to those who have assumed it; and, strong in the justice of our cause, we rely, as we heretofore have done, on Providence, on the public and private virtues of all classes of the people, on their constancy, their perseverance, and their attachment to the principles of order and liberty, which, following their example, we have unceasingly endeavoured to maintain.

9. In thus expressing our wish that a commencement of reform had tended to re-establish confidence, we cannot have been misunderstood as to the motives which actuate us. We repeat nevertheless that we shall regard all administrative measures whatsoever as insufficient permanently and effectively to ensure the peace, security, and happiness of the Province; and that the essential and constitutive reforms which we have demanded, and especially the application of the elective principle to the Legislative Council, the repeal of all undue privileges and monopolies, and of injurious laws

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passed in England, the free exercise of the right and privileges of this Legislature, and of this House in particular, and the establishment of a popular and responsible Government, are the only means by which the advantages hereinbefore mentioned can be ensured, or the political connexion with Great Britain rendered beneficial to the people of Canada.

10. It is therefore our ardent wish that the resolutions adopted by the two Houses of Parliament may be rescinded, as attacking the rights and liberties of this Province, as being of a nature to perpetuate bad government, corruption and abuse of power therein, and as rendering more just and legitimate the disaffection and opposition of the people. If this return on the part of the Government of the mother-country to what we consider its duty towards this Colony should take place under the reign of Her Most Gracious Majesty Queen Victoria, we are unable to express to your Excellency how warmly we should congratulate ourselves on having persevered in claiming justice for the people, notwithstanding the peculiar obstacles and difficulties which have tended to deter us.

11. The special and local subjects pointed out by your Excellency, and in particular the advances of public money made to relieve the distress in certain parts of the Province, and for other purposes, will form the subjects of our deliberations as soon as circumstances will permit, and whenever we shall be no longer prevented from considering them.

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Copy of a Despatch from Lord Gosford to Lord Glenelg, dated Castle of St. Lewis, Quebec, 30th August 1837.

MY LORD,—

HAVING already put you in possession of the Speech with which, on the 18th instant, I opened the Provincial Parliament, as well as of the addresses in answer thereto from the two Chambers, with my replies to each; I have now the honour to inform your Lordship that immediately after the delivery of my reply to the address of the Assembly on the 26th instant, I prorogued the Parliament by proclamation, perceiving that no useful end could be answered by continuing the Session, as the Assembly adhered to the determination, expressed in their address of September last, of not granting the arrears and supplies required by the Government, and of abstaining from the transaction of public business until all the demands set forth in that address shall have been granted.

I shall confine the present communication to a statement of the proceedings that occurred in the two Houses during the nine days they were in Session.

Friday, 18th August.—The members of both Houses took the oath of allegiance to the Queen prescribed by the Act 31 Geo. III. cap. 31.

In the Legislative Council a committee of five was as usual appointed by ballot to prepare an address in answer to my Speech, consisting of the Honourable Messrs. Cuthbert, Debartzch, Stewart, Joliette, and De Rocheblaire. A committee of privileges, and a sub-committee to peruse and perfect the Journals of the Council, were also named.

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In the Assembly, after the return of the House from the bar of the Legislative Council, Mr. Gogy, one of the members for the county of Sherbrooke, moved for leave to bring in a Bill to continue the Acts relating to the judicature of the district of St. Francis whose duration was limited to the end of the Session next after the 1st May last; but on motion of Mr. Morin the consideration of the question was deferred, upon a division of 61 to 15, until that part of my Speech which related to this subject should have been taken into consideration. A Bill for better ensuring the freedom of elections by the removal of troops from places of election was then introduced and read a first time. The House resolved to go into committee to take into consideration the state of the Province, and after the Speaker had reported my Speech it was referred to the same committee, and not as usual to a special committee, to prepare an answer. The House then went into committee, and adjourned.

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Saturday, 19th.—The Council passed the usual resolution providing for the payment, out of their contingent expenses of the postage of letters, &c., addressed to the members during the Session.

A similar resolution was passed in the Assembly, where it was also resolved that all petitions of a private nature received by the House during the Session should lie on the table until otherwise ordered. They then went into committee on the state of the Province and on the Speech, and after some time spent therein the committee rose, reported progress, and obtained leave to sit again on Monday.

Monday, 21st.—In the Council the committee appointed to prepare an answer to my Speech reported a draft of an address which was referred to a committee of the whole House, who reported progress and obtained leave to sit again.

In the Assembly, Mr. Gogy moved for the discharge of the order referring my Speech to a committee of the whole House, and that it be referred to a special committee of five members to prepare the draft of an answer: this motion was lost, upon a division of 68 to 10, and the House went into committee on the state of the Province and on the Speech; and, after obtaining leave to sit again, adjourned to the next day.

Tuesday, 22d.—The Council passed their address (a copy of which accompanied my Despatch of the 26th instant, No. 87) in answer to the Speech, after amendments to the second and fifth paragraphs had been moved and lost, and the eighth unsuccessfully objected to, but no amendment to it proposed: protests were, however, afterwards entered to this, as well as to the second paragraph, by Messrs. D. B. Vizer and F. X. Malhiot.

In the Assembly the committee of the whole House still continued their deliberations on the state of the Province and on the Speech.

Wednesday, 23d.—The Council presented to me their answer to the Speech, and received my reply, a copy of which has been forwarded to your Lordship in my Despatch of the 26th instant. They then appointed a committee to draw up an address of condolence to the Queen on the death of His late Majesty and of congratulation on her accession to the throne, and one of condolence to the Queen-Dowager. A committee was also named to consider whether any and what amendments should be made to the Acts authorizing the issue of certificates and licences for retailing spirituous liquors. An

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address was then voted to me to institute an inquiry into the state of the notarial offices throughout the Province, with a view to ascertain how far the duties of the said profession have been discharged conformable to law. This address was presented to me a day or two after, and as it was necessary that I should be advised by the law officers of the Crown, to whom the question has been referred whether I had the power to enforce the inquiry, I replied that I would take it into consideration.

The Assembly named a special committee to point out a proper person to fill the situation of Sergeant-at-arms. I may here remark that the situation was not vacant, it having been filled up by me during the recess on the death of the late incumbent, as reported in my Despatch of the 18th ultimo, No. 75. To the same committee was referred your Lordship's Despatch of the 10th February 1836, No. 50, relative to the appointment of the law clerk, which was laid before the House in September last: nothing, however, has resulted from the labours of this committee. The House then went into committee on the state of the Province and on my Speech, and adjourned, after reporting progress.

Thursday, 24th.—The addresses of condolence and congratulation to the Queen, and of condolence to the Queen-Dowager, were adopted by the Council, and an address voted to me requesting their transmission to England. In pursuance of the intention announced in my Speech, I laid before the Council copies of the resolutions of the two Houses of Imperial Parliament on Canada affairs.

In the Assembly the consideration on the state of the Province and of the Speech was continued in a committee of the whole House.

Friday, 25th.—The Council presented their addresses to the Queen and Queen-Dowager, which have been transmitted to your Lordship.

On this day the committee of the House of Assembly reported the draft of an address, in answer to my Speech, and obtained leave to sit again next day. Mr. Morin moved that the question of concurrence be put separately on each paragraph of the address; whereupon Mr. Andrew Stewart, one of the members for the Upper Town of Quebec, moved, in amendemnt to substitute the following resolution, viz.:—"In the present state of this Province it is the duty of this House, in so far as depends upon it, to proceed to provide for the most pressing wants of the Province and the support of Her Majesty's Government." This motion was negatived, on a division of 63 to 13. Mr. Stuart then moved, to substitute for the address the following resolution, viz.:—"It is the duty of this House to maintain its fidelity to the Crown, and to support the connexion of this Province with the United Kingdom of Great Britain and Ireland, using at the same time all constitutional means for the removal of the obstacles which have hitherto retarded the advancement and prosperity of the Province, and for securing to Her Majesty's subjects therein a better and more efficient government than they now have."

Mr. Morin, however, moved the previous question, which was carried, on a division of 62 to 15. These two resolutions, I am informed, were moved in committee as amendments to the draft of the address, and were both met with a direct negative and rejected, though your Lordship will perceive that in the House the latter was got rid of by moving the previous question. Mr. Stuart again moved,

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in amendment to the main motion, that the draft of the address reported by the committee of the whole House be re-committed, which was negatived on a division of 58 to 19. Mr. Joseph A. Taschereau, one of the members for the county of Beauce, then made a motion, to substitute for the address reported by the committee the one of which the inclosed is a copy, which was lost on a division of 59 to 18, and Mr. Morin's original motion was carried by 46 to 31, those who voted for Mr. Taschereau's address having joined the minority on the previous divisions, which minority voted against both addresses. The address reported from the committee of the whole House was then agreed to, paragraph by paragraph, upon divisions of 48 to 31, and presented to me the next day.

Saturday, 26th.—The Council moved an address to me for their contingencies, amounting to 3000*l.*; but before the same was presented, I had prorogued the Parliament.

As no Bill was passed by either House, a question has been stirred whether the late meeting of the Provincial Parliament is to be considered a Session or not. The matter has been referred by me for the opinion of the law officers of the Crown, whose report I have not yet received. Should it be held to be a Session, the Acts relating to the judicature of the district of St. Francis will have expired, and that portion of the Province which formed the district will again be included in the districts of Montreal and Three Rivers. The question will probably meet with a judicial decision in the superior tribunals here, in an appeal from some of the proceedings that may have taken place in the Court of King's Bench at St. Francis since the prorogation.

I have, &c.,

(Signed) GOSFORD.

To his Excellency the Right Honourable Archibald, Earl of Gosford, Baron Worlingham, of Beccles, in the County of Suffolk, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Vice Admiral of the same, and one of Her Majesty's Most Honourable Privy Council, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE Her Majesty's faithful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, humbly thank your Excellency for your speech from the Throne at the opening of the present Session. We assure your Excellency that at whatever season we may be called upon to perform the duties delegated to us by the people of this Province, we shall ever regard as nothing the personal inconvenience to which we may be subjected; more especially when we may be called upon to deliberate on the great interests of the country under circumstances as grave and critical as the present, when your Excellency has to communicate to us the proceedings which have taken place in the Imperial Parliament since we were last called together, and the resolutions which have been adopted therein with regard to the affairs of this Province.

We ask permission humbly to represent to your Excellency, that the course which this House has deemed it expedient to adopt during

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the last four years with regard to the existing financial difficulties, has been founded on the best recognized principles of the Constitution, and adopted with the view of obtaining the removal of numerous abuses and grievances against which this House and the people whom it represents have long remonstrated in vain, and the greater portion of which have been recognized as existing, and have been the subjects of promises and declarations which had raised a hope that they would be speedily redressed. It was therefore with deep regret, and at the same time with surprise, that we heard your Excellency announce to us that Her Majesty's Ministers, before adopting any measures for the removal of the numerous abuses aforesaid, had "resolved to propose to the House of Commons that a vote of credit should be passed for the advance by way of loan from British funds of the sum required for the payment of the arrears due to the public officers," with the view that this sum should be thereafter drawn from the Provincial chest by virtue of an Act of the Imperial Parliament, if this House should not, by granting the requisite supplies, obviate the necessity of any further action on the part of the Imperial Parliament.

We should have believed that a Government which, like that of the mother-country, founds its fairest claim to the consideration of other nations, on its respect for the natural and political rights of the subject, would have felt that before proceeding to meet by measures of so extreme a nature, and so destructive of the constitutional rights of a whole people, the refusal of this House to provide for the expenses of the Civil Government of the Province, it would be right to remove the main causes of this refusal, founded as it was on the existence of open and acknowledged abuses and grievances. We should think we were deceiving your Excellency and the Imperial Government, if we did not frankly and firmly declare, that whatever be our anxiety to forward the work of conciliation, we regard these measures as an attack upon the property of the people and upon the most sacred right of the House, and as tending greatly to affect the security of His Majesty's loyal subjects in this Province and their confidence in her Government, and therefore as constituting a serious obstacle to the arrangement of the existing difficulties, and as tending to weaken the ties which bind this Colony to the mother-country.

We ask leave further to represent to your Excellency, that when this House, during the last Session of the Provincial Parliament, came to the determination to suspend its deliberations, it was influenced chiefly by the conviction, grounded on the result of the preceding Session, that it could not with advantage to the country enter into the labours and incur the expenses of a regular Session in conjunction with the present Legislative Council, whose anterior proceedings breathed nothing but factious opposition to the wishes, wants, and interests of the people. The two Houses of the Imperial Parliament by declaring (as your Excellency tells us they did) "that it is expedient to adopt measures for securing to that branch of the Legislature a greater degree of public confidence," have come forward to corroborate the opinion which the House held and still holds with regard to the Legislative Council. And we cannot refrain from here expressing our astonishment that this significant and solemn declaration, that one of the branches of the Legislature appointed by the Crown is not so constituted as to enjoy the confidence of the public, should be communicated to us at the same time with an

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imperative demand for supplies, and while Her Majesty's Government has done nothing towards securing to that branch a higher degree of public confidence. The supplies are as we humbly conceive, granted by the Commons solely in consideration of their entire confidence in the Government; and this confidence cannot exist while the Government leaves untouched a legislative body which it openly acknowledges not to possess the confidence of the public. But the astonishment produced by such a declaration, accompanied by such a demand, must be succeeded by a more painful feeling, when we are told that our rejection of this demand will be followed by the taking of the provincial monies under the authority of an Act of the Imperial Parliament. The people of this Province would thus be punished by the violation of the most important of their rights for the fault of the executive authorities, local or imperial, in abandoning the spirit of the Constitutional Act by declining so to constitute the Legislative Council as to secure public confidence in it, and by persisting in maintaining the present vicious composition of that body, notwithstanding the complaints of this House and the people it represents, reiterated during many years.

Conduct like this, on the part of the imperial authorities, would destroy in us for ever all confidence and all assurance in our present state of political existence, if we were not sustained by the hope that the two Houses of the Imperial Parliament and her Majesty's Government have been induced to adopt it by a forced interpretation of the terms in which this House, during the last Session, declared its determination to suspend its deliberations. If this interpretation has not been seized with avidity, and for the purpose of using it as a pretext for coercive measures towards the Colony; if a more precise and clear declaration of the meaning of this House can yet induce the imperial authorities to prevent the effects of their misunderstanding, we declare that we have always held and that we still hold that the only means of ensuring to the country, in a permanent and satisfactory manner, the advantages of representative government, would be to apply the elective principle to the Legislative Council, and that we cannot, therefore, recommend the adoption of any other means. But if, in despite of the unhappy experience of half a century, and, above all, of the vain attempt recently made to reform that body, in pursuance of the solemn recommendations of the Canada committee of 1828, Her Majesty's Government still retains the hope of being able so to remodel it as to enable it to answer the purposes of its institution, and to secure public confidence in it, it is for Her Majesty's Government to hasten to have recourse to this measure, and to put it to the proof. It will then remain for this House to consider whether the reform thus effected is such as to lead to the hope of a system of legislation useful and honourable to the country, which is the sole object this House has sought to attain in demanding the application of the elective principle to the Legislative Council of this Province.

We now proceed to represent to your Excellency, that the declaration made by the two Houses of the Imperial Parliament on the subject of the Legislative Council of this Province, is calculated to revive the hope that that branch of the Legislature will, at a period perhaps not far distant, but which is left indeterminate, be so composed as to lead the country to hope that for a time, at least, a regular and beneficial system of legislation may exist; but as this declaration

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neither changes nor weakens the reasons which, at the last Session, induced this House to suspend its deliberations, we find ourselves under the painful necessity of adhering to the determination we then came to, of suspending our deliberations until the consummation of the reforms (and that of the Legislative Council above all), announced by and in the name of the imperial authorities, which, by reviving confidence and restoring harmony in the Legislature, will give hope of the speedy disappearance of the numerous subjects of complaint enumerated in the several resolutions and addresses of this House in former Sessions. We, therefore, assure your Excellency, that the work of reform once thus begun on the part of the Government, this House will be ready to receive, consider, and if possible to agree to, the several proposals which Her Majesty's Government may have to make to it for the final arrangement of the financial and other difficulties which have so long existed in this Province; and also to recommence the regular course of its deliberations which have only been interrupted in consequence of the conviction which the House then felt, and still feels, that no other result could now attend them, than that of burdening the people with considerable expense, without any of the great advantages which they have a right to expect from a Session of the Legislature.

We ask leave yet further to represent to your Excellency, that although we do not make particular mention of the Executive Council, because we consider the reform of that body as intimately connected with that of the Legislative Council, we do not consider this reform as less essential to the good government of the Province, or less adapted to forward the work of conciliation. Certain recent proceedings of the executive, which appear to be only the prelude to divers others, lead us to regret that the head of the local administration should not, under existing circumstances, have been surrounded by men possessing the confidence of the public, and uniting, with great experience in business, a perfect knowledge of the feelings and disposition of the people; and who, as such, would not have advised the head of the executive to acts which can only increase the difficulties already existing.

The particular and local objects pointed out by your Excellency, and, more especially, the advances of public money made to relieve the distress in certain parts of the Province, and for other purposes, shall be the subject of our deliberations as soon as the circumstances of the Province will permit.

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*Copy of a Despatch from Lord Glenelg to the Earl of Gosford, dated
Downing-street, 31st August 1837.*

(Secret and Confidential.)

MY DEAR GOSFORD,

I NEED not tell you with what anxiety we are watching the course of events in Lower Canada. The more recent accounts from that country are calculated to allay some of the uneasiness excited by earlier appearances. Your late letters are encouraging as to the feelings of the more reasonable of the French people and the provin-

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cial papers, which I have of a date as late as the 27th July, tend to produce the same impression. I am not insensible, however, of the uncertainty of opinions formed at such a distance, and respecting a society in a state of so much agitation. But I would fain hope that whatever may be the excitement of the people, there will at least be no recourse to open acts of violence and armed defiance of the authority of Government. So long as these can be averted, time is gained for the natural operation of the principles of order, and for the intervention of Government in aid of that operation by judicious improvements. I cannot help in this view considering it as a favourable circumstance that the course of events arrested the progress of the intended legislation as to Canada, and compelled us to resort to the milder measure of a loan from this country. I do not mean by this remark to imply repentance or misgiving as to the line of policy adopted by the Government prior to the demise of the King; far from it: it was the only line left for us to pursue, and in that line, until overruled by an unexpected necessity, it was our duty and determination to persevere. But being so overruled, the final stroke of Parliamentary interference has been suspended, and an interval is allowed of which advantage may, perhaps, be so taken, as to lay the foundation of results more lasting and satisfactory than the mere suspension for a time of party hostilities. A temporary truce, even if it be obtained, would lead only to the revival of the controversy in some new form, and under some new pretext; and I have, therefore, in common with my colleagues, been anxious to ascertain if means might not be found of bringing the affairs of the Province to a settlement, which, being acceptable to both parties, might give some hope of enduring tranquillity. It is to put you in possession of our thoughts on this subject that I now write to you, and I shall do so without the slightest reserve, although you will at once perceive that this letter is strictly confidential, and intended for no eye but yours.

By this time the question—What will the Assembly do when they meet on the 18th of August?—has been solved. They may possibly have voted the supplies. You seem to think this not absolutely hopeless, even under circumstances as they existed at the date of your letters. But subsequently to that date, and by the 18th of August, intelligence will have reached the Province which would probably increase the chances of such an issue of the Session. I allude to late events in this country; and more especially in the first place, to the substitution of a loan in the place of the intended measure of coercion: secondly, to the change which you were authorized to make in the Executive Council, which might serve as an indication of like changes in the members of the Legislative Council: and, finally, to the accession of a new Sovereign under circumstances peculiarly interesting and auspicious. If the Assembly, under the impulse of whatever feelings, should vote the supplies, it will then be easy to offer to the party opposed to your Government concessions, the tender of which at an earlier period would only have been misconstrued.

I must own, however, that I think it more likely that the Assembly will either have refused to meet, or, meeting, will have adhered to their former course with aggravated violence and animosity. In either of these contingencies you will have drawn for the amount of the arrears due to the public officers; and you will further, as I am inclined to suppose, have dissolved the House. The authority of

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Great Britain being thus vindicated, we are free to enter on a conciliatory course. Thus, whether the supplies be granted or refused, there will be an opportunity of making with safety, because without dishonour, another attempt to reconcile these unhappy differences.

It strikes us that some attempt might be made for that purpose with reference to the Legislative Council—that great theme of popular complaint. All parties indeed are dissatisfied with the working of the Council, as it now exists; and dissatisfied with some good reason, as appears by the reports of the Commissioners. The remedy insisted on by the Assembly is the introduction of the elective principle into the Council. Parliament has set its negative on this suggestion; at least as a practical question applicable to the actual state of things. The Parliamentary resolution was confined strictly to this point, leaving out of view, as irrelevant to the immediate exigency, all abstract and hypothetical propositions on the subject. I am certain that Parliament will adhere to the resolution already passed; nor do the Government see the slightest reason to recommend a deviation from it. The admission of the elective principle, therefore, may be set entirely out of consideration. But because that suggestion is rejected, does it follow that we must remain exactly as we are? Is there no alternative but the elective principle or the principle of nomination for life? The second Chamber should be so constituted as to possess the power of acting with freedom and independence, even when opposed by the Assembly; subject, at the same time, to some efficient check on an abuse of that power to any purpose inconsistent with the real and permanent interests of the great body of the people. If this end be obtained, there is no other respecting which we need be solicitous. Now, various plans have been suggested for bringing together such a Legislative Council, without resorting either to popular election, or to nominations by the Crown for life. I will notice a few of these proposals.

First. Mr. Roebuck, in his place in the House of Commons, suggested the consolidation of the Executive and Legislative Councils into one body, to be called the Council of Government, the members of which should be appointed by the Crown, and should hold their seats during pleasure. Thus far, his plan was nothing else than the transfer to Lower Canada of the system which prevails in every British Colony possessing a representative Legislature, with the exception of the Canadas and New Brunswick; and which prevailed even in New Brunswick until little more than four years ago. Much may be justly said in favour of this plan. Above all, it is recommended by the experience of nearly two centuries. But Mr. Roebuck proposed to give to the Council of Government no legislative authority, but only the power of suggesting amendments of Bills originating in the Assembly, which suggestions the Assembly should be bound to consider. In the ultimate acceptance or rejection of Bills the Governor, according to this scheme, was to act on his own responsibility and without the advice of the Council. To this part of the project the objections seem to me insuperable; it would in effect place all legislation in the hands of a single chamber, with which the Governor could never successfully contend.

Secondly. The legislative councillors might be appointed during the pleasure of the Crown. If this tenure should be practically equivalent to holding office during good behaviour, as would probably

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be the case, the present Constitution would remain substantially unaltered. If, on the other hand, councillors holding during pleasure should be regarded as liable to dismissal without the imputation of a fault, the Government would be virtually responsible for the conduct of every councillor whom it should retain, and would be urged by the ceaseless importunity of the Assembly for the removal of unpopular members.

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Thirdly. The Legislative Council might be summoned by the Governor for each Provincial Parliament, the members ceasing to hold their office on a dissolution. The advantages of this scheme would be that the Crown would be enabled to maintain that degree of harmony between the two branches of the Legislature, a permanent interruption to which must be fatal to the satisfactory progress of legislation, and the successful working of the Constitution. It might, on the other hand, be objected to it that such a body would lend to the Government little or no moral strength by their support, and would fail to possess that free and independent character which is essential to its usefulness. If, moreover, on the recurrence of each new Provincial Parliament, the late councillors should all be replaced by new members, the benefit of their experience and acquired skill would be lost; and if, on the contrary, they were all reappointed, this plan would differ but little, if at all, from the tenure for life; while a selection would impose on the Government the discharge of an invidious and difficult duty.

Fourthly. In order to obviate the chief objections to the last proposal, it has been suggested that each councillor should be appointed for a fixed term; as, for example, of six or eight years instead of for life. When this system should have come into operation, it would afford the opportunity, without any sudden and general change in the Council, of effecting a gradual alteration, if requisite, in its composition, by the retirement from time to time of any members whose services might be beneficially dispensed with, and the introduction of others in their place.

Fifthly. It has been suggested that the Council might consist of a fixed number, of whom a definite proportion should retire annually, and be replaced by new appointments; so that in four or eight years all should have gone out in rotation. This, as you are aware, is the constitution of the Court of Directors of the East India Company; and it seems to combine more advantages than any other, if it be distinctly understood that the reappointment of a retired member, after his year of absence, would be entirely in the discretion of the Government.

Other plans might be noticed, but enough has been said to show that there may probably be found some mode of escape from the dilemma of adhering to the existing system, or of resorting to that on which the Assembly insist.

All these plans, and any others which may be suggested, or may present themselves to you, I wish you could take into your serious consideration, with a view to judge which of them, of any, it would be advisable to adopt. And as the great object is the restoration of peace and contentment, the point to be ascertained is not merely the abstract merit of a plan, but also its practical expediency, its suitability to the feelings and sentiments of the people, and this, too, in reference not to the transient and accidental impulses of the moment, but to those more abiding impressions which give a colour

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and a bias to the national will. Now as to the different plans of change which I have specified, it is obvious to remark that in all of them, excepting that of Mr. Roebuck, which sins in the opposite direction, the improvement is sought by adding to the power, not of the people, but of the Crown. Indirectly indeed it is probable that the popular influence would thus be brought to operate through the medium of the Government on the composition of the Legislative Council. And perhaps in the present state of things this is the best, or rather the only mode in which that object could be attained. Yet it cannot be denied that any one of those plans (with the exception already stated) is, in fact, a prerogative measure, and as such, would, in more quiet times, be regarded with a good deal of jealousy. But as the tide of opinion is at this time running very strongly against the Legislative Council, any scheme which tends to humble or disarm that obnoxious power might be welcomed, even by the violent party. It may, however, be well to bear in mind that the approbation given to any plan in the impulse or caprice of the moment, may be as lightly withdrawn; and that the popular excitement raised in its favour by adventitious causes may, by and bye, cool down into a rational and settled verdict of disapprobation. I throw this out only by way of caution in our consideration of the subject, and not at all as meaning to imply that the plans in question do not rest on something deeper than the transient and heated impulses of the public mind. I repeat, however, that before the Government can decide on proposing to Parliament the adoption of any plan of this nature, it is essential that they should be assured, as far as possible, of the approbation and concurrence of a considerable portion of those persons by whom public opinion in Lower Canada is influenced. What may appear to us to be a decided improvement of the existing constitution of the Province, might, perhaps, be regarded in a very different light by the inhabitants, whose interests are deeply concerned in the question, and whose objections ought not to be overlooked or disregarded. My immediate purpose in addressing you is, to express my earnest wish and hope, that you may be able, with as little delay as possible, in the course of your private intercourse with influential men of different parties, in Lower Canada, to ascertain whether any of the schemes to which I have adverted as practicable solutions of the existing difficulty, or any other scheme of a similar character, would be accepted by them as a satisfactory adjustment of the controversy with regard to the Council. I am aware that I am imposing on you a task of no ordinary delicacy, but I am willing to believe that it is one which you will not find impracticable. The mode in which it may be accomplished may safely be left to your own judgment and discretion, both as it respects the persons with whom you may communicate, and the arguments which you may think it right to address to them. You will of course cautiously avoid whatever could pledge the Government to any specific course, or fetter them in the exercise of the freest deliberation on the whole subject, after they shall have heard further from you respecting it. You will probably find it advisable to introduce the suggestions adverted to, where you have the opportunity of doing so advantageously, as coming from yourself, without giving the party with whom you are in communication reason to believe that they have formed the matter of direct correspondence with the Government. You will at the same time be at liberty to assure any person whom you find disposed to meet

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you frankly on the subject, that while the idea of an elective Council is, under present circumstances, altogether inadmissible, yet you have every reason to know that the Government would gladly receive and attend to any suggestion calculated to remove or diminish the evils and inconveniences belonging to the present system, and of which they could be assured that it would meet with the concurrence of influential men of moderate views, and sincerely interested in the permanent welfare of the Province. I trust that many such are to be found, notwithstanding the unhappy lengths to which men of extreme opinions have proceeded; and it is in such men that our confidence must chiefly, if not entirely, be placed. I fear it must be assumed that we have nothing to hope from the attachment, or the loyalty, or the love of peace, of the persons by whom a system of agitation has recently been organized throughout the Province. But there are motives which may influence even these men in favour of a more conciliatory system. The measures which they have taken have not been attended with such success as greatly to encourage the further prosecution of them. They must be aware of the personal hazards which they incur. Happily the other Provinces have withdrawn from all alliance with them. Their only hope of external support must be placed in the neighbouring republic, or in its individual citizens, and this is clearly a resource equally dangerous and precarious. They must be aware that assistance obtained from that quarter, if successful for their immediate purpose, would be followed by the disappointment of all their own prospects of power and domination, and by the overthrow of all the institutions to which their misguided followers are most attached. To these motives for waving their extreme pretensions, others might be added, drawn from the known disposition of the British Government to admit the conspicuous and more worthy leaders of the French party to a just and ample share in all the honours and emoluments to which public men in Lower Canada can aspire.

Aided by these and other considerations, which will readily occur to you, you may, perhaps, be enabled to hold out, even to the party most opposed to your Government, terms of reconciliation, with which, under all the circumstances of the case, they might not be indisposed to close. With these suggestions, I commit this arduous and delicate duty to your hands, not without anxiety, but with full confidence in the discretion and in the conciliatory spirit with which you will discharge it.

I have given you a long letter; but I was anxious to put you in entire possession of the views and dispositions of the Government on this most important subject. It is very difficult in writing to suggest any detailed course of proceeding, without giving to the suggestion the air of a peremptory instruction. This, however, I wish to avoid. Having fully laid before you the thoughts and inclinations of our minds, I do not desire to prescribe to you any definite mode by which you may attempt to give them effect. On that point you will consult your own judgment.

There is yet one topic to which, before I conclude, I must advert. As to the expediency generally of attempting some change in the constitution of the Legislative Council, analogous in its object to that which has been pointed out in the preceding pages, all parties are, I believe, agreed. Throughout this letter I have assumed, and I have no doubt justly, that you too are of that opinion. But I have assumed

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also that you will think the time at which you receive this letter a proper time for moving in the matter, and for intimating a readiness to consider of fitting changes. This, however, may not be the case. The situation and feelings of men in the Province may be such as to make it, in your judgment, unadvisable for you to enter on the suggested communications, inasmuch as the very rumour of such communications might revive the notion of vacillation and timidity on the part of the Government, and thus throw every thing again into disorder;—disgusting the English Constitutionalists, disheartening the loyal French, especially the clergy, and emboldening the Papineau faction. If this be your deliberate judgment, you will of course abstain from acting on this letter, and will immediately write to me. In every case, and at all times, I rely on your opening yourself to me with entire freedom and unreserve.

Believe me, &c., &c., &c.,

(Signed) GLENELG.

No. 18

Copy of a Despatch from Lord Gosford to Lord Glenelg, dated Castle St. Lewis, 8th September 1837.

(Private and Confidential.)

Appendix.

No. 18.

Copy of a
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to Lord
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8th Sept., 1837.

MY DEAR LORD,

Of late the meetings of the Papineau party have been less frequent. One object in having them in so many districts, previous to the meeting of the Legislature, was, no doubt, to influence the votes in the Assembly, and it had this effect. The plan seems to be to keep the country in a state of excitement by means of a convention, as it is termed, a central committee, which meet regularly in Montreal, and at which Mr. Papineau and his party make a point, as I am informed, of attending. It is stated that all orders and instructions to the local committees throughout the Province emanate from that body, who profess to publish its proceedings in the *Vindicator* and *Minerve*; and though these proceedings have evidently a treasonable tendency, they have not as yet reached such a point as to make it wise or judicious for the Executive to institute legal proceedings against any of the parties concerned. The Attorney-General is now in Montreal, and I have strongly urged upon him the necessity of keeping a good look out; and I am determined to have recourse to a court of law when an occasion occurs to justify such a step: but to attempt it without a good strong case might do more harm than good. The injurious effects that must result from a convention such as I have alluded to, are obvious. Had the Executive the power of suspending the Habeas Corpus, it would be in a better position to meet the difficulty, should the conduct of the conventionalists compel it to have recourse to more vigorous measures than the ordinary course of the law prescribes: and from the madness of their acts now, I cannot but admit that there is a possibility of my being driven to the necessity of exercising a power that I should most gladly abstain from, if any other mode presented itself by which the designs of this party could be frustrated. However, should circumstances arise for apprehending such a crisis,

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it must be met by promptness, firmness, and decision. To attempt anything of a temporizing character would be weak and futile: I should at once avail myself of the powers confided to me. We can now make no terms with Mr. Papineau: you must either put him down, or submit to let him put you down. There is no halting between two opinions. By at once increasing the power of the Executive, and suspending the Constitution, you paralyze the designs of these mischievous men; it would establish confidence in the minds of those disposed to peace and good government, and at no distant period you might be solicited to restore the Constitution to the Province, under arrangements better calculated to afford satisfaction than could be accomplished by any effort or proposal in the present state of things; for until you nullify Papineau's power, you can never be in a position to treat on anything like fair and liberal terms with a man of his extravagant, uncompromising, destructive views, exercising, as he does, complete control over the minds of many who have been too long accustomed to be under his yoke. As I stated in former letters, I do not expect any serious commotion; at the same time, when I see so many clever unprincipled engines in action, yielding implicit obedience to the mandates of such a man as Mr. Papineau, it is impossible to set limits to the extent of mischief they may construct. The jealousy that exists between the *two origins*, is also a powerful instrument in the hands of a convention or central committee, as before alluded to, and corresponding as they no doubt do, with various parts of the Province. *Then*, the violent hostility of an ultra English party (resembling the Orange party in Ireland) to every thing connected with an Administration professing your political principles, tends greatly to assist the Papineau set in their object of exciting hatred and contempt for English authority. These two extremes are doing incalculable mischief, and must disgust every friend to liberal measures. The feelings of the great body of the French Canadians are decidedly loyal and favourable to peace and order, and it now rests with the Government, by wise and judicious measures, to protect them from the designs of those who are now working upon their credulity by the most gross misrepresentations and contrivances. The jealousy that existed between the two races, I found, upon my arrival here, had reached such a height, that from the first I considered it one of the principal obstacles to a satisfactory adjustment of difficulties. I must, however, observe that this has greatly diminished; and though the very violent, both of the English and French, are furiously hostile to me, still I can reckon as friends to my Administration a large proportion of the reasonable and liberal men of the Province. The ultras on both sides are struggling for ascendancy; and my determined opposition to the views of both, in this respect, perhaps may in some measure account for their hostility to me: but I cannot relinquish my principles on this point. It is a matter of great regret to me that I could not at an earlier period have given a practical proof of my political views, and by acts to show my determination to redress certain grievances which evidently called for it. However, it is too late now to talk of this. I was obliged to share with others in submitting to circumstances over which there was no controul. My situation now is not an enviable one; and God knows, on every private consideration, I shall gladly relinquish it. I am fully sensible of the friendly feelings you entertain towards me, and I am also convinced of the favourable disposition

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of your colleagues in the Government. To support the principles of the present Ministry is my great object; and it is probable, and indeed reasonable, that if matters here should come to extremities, you would prefer to have a man in my place who had not so avowedly declared his wish to carry on his Government on the principle of conciliation. In stating this, be assured, at the same time, that I do not shrink from the difficulties which surround me; nor would I wish in any way to embarrass the Administration. A public Despatch accompanies this, which enters more into official details. Excuse inaccuracies, as I am obliged to write in a hurry, in hope of this reaching New York in time for the packet of the 16th instant. I shall write again shortly.

Believe me, my dear Lord, always sincerely yours,

(Signed) GOSFORD.

The Lord Glenelg.

Castle of St. Lewis, Quebec, 9th September 1837.

MY LORD,

As I have not heard for the last three or four weeks that any public meetings have taken place, similar to those alluded to in the first part of my Despatch of the 11th of July last, I begin to conclude that this mode of agitation has been abandoned for the present, I understand that, since its commencement in the early part of May last, upon the ministerial resolutions becoming known in this country there have been held in different parts of the Province about twenty-three meetings, styled by those who convened them, "Anti-coercion Meetings." Of these, by far the greater number took place in the district of Montreal, five only being held in the district of Quebec, two in that of Three Rivers, and one in the district of St. Francis.

The principal objects of the resolutions passed at these meetings were to condemn the ministerial measures, and the policy of the home and local administration; to recommend smuggling and the adoption of other measures for cutting off the resources of, and diminishing the revenue; to excite to disaffection and resistance towards the imperial and provincial authorities; to suggest the formation of central and permanent committees for political purposes in each county, and of a general convention for the whole Province; and finally, to create a feeling which would lead to the severance of the connexion between the Colony and the Parent State, by representing that justice was no longer to be expected from the latter, but only tyranny and oppression, and by disseminating doctrines, and employing language and banners of a seditious, inflammatory, and disloyal character. For the correctness of this statement I would refer your Lordship to what passed at the meetings held in the counties of Richelieu, Montreal, Verchères, St. Hyacinthe, and Saguenay, as reported in the English organ of this party, the *Vindicator* newspaper, of the 12th, 16th, and 26th of May, and 9th of June last, and of the 1st ultimo.

The great difficulty of procuring strict legal evidence for bringing home in a court of justice to the parties concerned the charges that might be founded on the proceedings had at these meetings, added to the questionable policy of political prosecutions, especially at a time like the present, when the minds of a portion of the Jury summoned to try the offence would probably be poisoned by the misrepresentations

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and efforts of the disaffected, have as yet prevented any resort to the courts of law for the punishment of those implicated in such proceedings. Indeed, in two recent instances, where the Attorney-General preferred Bills of Indictment in the Court of King's Bench at Montreal, one against a Dr. Duchesnois, for publicly tearing and treating with contempt the proclamation issued by me on the 15th June last, and another against certain individuals, in the county of The Two Mountains, for a conspiracy, to drive out of the county, by means of threats and acts of violence, several inhabitants, because they held opposite political opinions, the Bills have been ignored by the Grand Jury in the face of the strongest evidence; and after the Attorney-General had, at the request of their foreman (Mr. L. G. Brown, of Beauharnois) laid before the panel most positive legal authority in support of both. Enclosure No. 1. is the Attorney-General's Report to me of this matter.

In these circumstances, and as it appeared, from some of the public prints, that many persons holding commissions from the Crown as justices of the peace or officers of militia attended these meetings, I directed my Civil Secretary to write to the most prominent of those who were reported to have taken an active part, by moving and seconding resolutions, inquiring whether they were present, and if so, whether they had any explanation to offer in their justification. With a few exception all have replied, admitting that they were present, and either denying the right of the Governor to demand an explanation from them, or giving none that was satisfactory. It consequently became my irksome duty, as head of the executive Government here, to prevent the weight and influence conferred by its authority from being thus abused; and accordingly I have had to dismiss, up to the present time, eighteen magistrates and thirty-five militia officers, nine of whom were also in the commission of the peace. In these dismissals are comprised seven members of the Assembly, including the Speaker, Mr. Papineau, who was major of the third battalion of militia, in the county of Montreal, and had assisted at five or six of the meetings. I inclose, for your Lordship's information, a copy of the letter addressed to this gentleman, and of his reply thereto, on the tone and style of which I need make no comment.

Although there has been, I am happy to say, no recurrence of the outrages reported in the latter part of my Despatch of the 11th of July last, and although agitation by means of public meetings appears to have ceased, yet the efforts of those who are seeking, as it would seem, to disturb the existing order of things, continue unabated, and show themselves in seditious and inflammatory publications, and in the resolutions and acts of the committees that have been organized in one or two counties in the district of Montreal, where the proceedings are of a private and exclusive character, though some of them are occasionally made public through the organ of the party, the *Minerve* and *Vindicator* newspapers. The principal of these committees, styled the Central and Permanent Committee of the County of Montreal, holds its sittings weekly in the city of Montreal, and the objects of it, as set forth in the 13th resolution, passed at the meeting of St. Laurent (county of Montreal, on the 15th of May, are to watch over the political interests of the country—to correspond with the other counties in this and the sister Province—to adopt such measures as may from time to time appear necessary to protect the rights of

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the people, and advance the cause of good government in these Colonies—and to carry into execution, as far as lies in the power of the committee, the various recommendations, suggestions, and determinations agreed to at the meeting. What these recommendations and determinations are your Lordship will find, on reference to the *Vindicator* of the 16th of May, and for the names of those who compose this committee I must beg to refer you to that of the 19th of the same month.

There have been no steps yet taken, as far as I can learn, for establishing a general convention, beyond the recommendations contained in the resolutions adopted at the different meetings for organizing one, and the naming in such resolutions delegates to attend when the time and place of assembling shall be fixed.

That this state of affairs seriously augments the difficulties of carrying on the Government, and operates most injuriously upon the welfare and prosperity of the Province, must be quite obvious. With the exception of some of the counties in the district of Montreal, I believe the mass of the population is contented and loyal, and that the attempts that are making to shake its allegiance and to create confusion, will be unsuccessful.

Before closing this communication, I should mention that there have been six meetings held, including those in the cities of Quebec and Montreal, of which I have already apprized your Lordship, where resolutions were passed of an opposite character to those I have above noticed.

The numbers of the *Vindicator* newspaper quoted in this Despatch, I shall forward to your Lordship with the Duplicate that goes by way of Halifax in the Government Bag.

I have the honour to be,

The Lord Glenelg,

&c. &c. &c.

&c. &c. &c.

(Signed) GOSFORD.

ENCLOSURE NO. 1.

Copy.

In Court, Thursday, 6 o'Clock.

MY LORD,

I WRITE from Court, and have only time, pending a trial, to say that the Grand Jury have just come into Court with a bill of indictment against Dr. Duchesnois for tearing the proclamation of June last, as *not found*; the same fate has attended the bill against the individuals at St. Eustache, for a conspiracy to drive certain of the inhabitants of different political sentiments from the county; and both in the teeth of the strongest possible evidence, and after I had laid before them, at the request of the foreman, (Mr. Brown, of Beauharnois,) most positive legal authority in support of both.

I am, &c.,

(Signed) C. R. OGDEN.

N.B. This letter was received on Saturday, the 9th September 1837.

Lord Gosford.

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(Private.)

Castle of St. Lewis, Quebec, 13th September 1837.

MY DEAR LORD,

I SEND you the *Vindicator*. Almost the only means I have of obtaining accurate information of what the Papineau party are about is, by what they choose to make public through their organs, the *Vindicator* and *Minerve*. You will see by the enclosed paper that an association has lately been formed in Montreal of young men, under the name of "Sons of Liberty;" of their objects and designs I have not been able, as yet, to procure any information further than appears in the paper.

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8th Sept., 1837.

Dr. Duchenois, and the conspirators of St. Benoit, bills against whom were ignored by the grand jury, the Attorney-General afterwards filed criminal informations against. You will see this also noticed in the *Vindicator*. There was nothing left to support the supremacy of the laws, but such a course, as from the formation of the grand jury, one of which had been dismissed from the militia for taking part in unlawful proceedings at an anti-coercive meeting, it was not to be expected that they would find bills having for their object the punishment of those at these meetings who took part in opposition to the Government. No doubt what is stated in the papers is much exaggerated, and the numbers who attend these meetings by no means so great as they represent; still the greatest vigilance is necessary to guard against the evils these meetings, or rather associations, are calculated to produce. One of the objects of the leaders in these associations is, to create as much alarm in England as they possibly can. I shall keep you regularly informed of what passes. I am obliged to conclude now, in order to be in time for the post.

Believe me, &c.,

(Signed) GOSFORD.

The Lord Glenelg.

No. 19.

Copy of Address of the Assembly of Nova Scotia.

No. 19.
Copy of
Address of the
Assembly of
Nova Scotia.

TO THE KING'S MOST EXCELLENCY MAJESTY.

The Humble Address of the House of Representatives in General Assembly for the Province of Nova Scotia.

MAY IT PLEASE YOUR MAJESTY,

We Your Majesty's dutiful and loyal subjects, the representatives of Nova Scotia, while approaching the Throne to ask for a redress of grievances, tender the assurance of the unabated attachment of those we represent to Your Majesty's person and Government. The people of Nova Scotia, when anything trenches upon their rights, or retards their prosperity, turn to their Sovereign, as the father of all his people, wherever their lots may be cast; and whose affection is not diminished by distance, nor bounded by the four seas of Britain, but extends to the most remote limits of his empire: rearing, wherever practicable, institutions favourable to

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freedom, and fostering that love of justice, that nice sense of the relative duties of the Government and the governed, which distinguishes the parent State. Nor is their confidence in Your Majesty diminished by the reflection, that in early life you visited Nova Scotia; and in maturer years have sanctioned those vast reformatory changes at home which emboldened them to seek for a revision of their institutions, and the introduction of those checks and guards without which they feel that private happiness and public liberty can never be secure.

In the infancy of this Colony its whole Government was necessarily vested in a Governor and Council; and even after a Representative Assembly was granted, the practice of choosing members of Council almost exclusively from the heads of departments, and persons resident in the capital, was still pursued, and, with a single exception, has been continued for the last thirty years. The practical effects of this system have been in the highest degree injurious to the best interests of the country, inasmuch as one entire branch of the Legislature has generally been composed of men who, from a deficiency in local knowledge, or from the natural bias incident to their official stations, were not qualified to decide upon the wants or just claims of the people, by which the efforts of the representative branch were, in many instances, neutralized or rendered of no avail.

Among the many proofs that might be adduced of the evils arising from this imperfect structure of the upper branch, it is only necessary to refer to the unsuccessful efforts of the Assembly to extend to the outports the advantages of foreign trade,—to the enormous sums which it was compelled, after a long struggle, to resign for the support of the Customs' establishment,—to the difficulties thrown in the way of a just and liberal system of education,—and to the recent abortive attempts to abolish the unconstitutional and obnoxious fees taken by the Judges of the Supreme Court.

While the population of this Province is composed, as it appears by the last census, taken in 1827, of 28,659 members of the Episcopal Church, and 115,195 Dissenters, which proportions may be assumed as fair at the present time, the appointments to the Council have secured to the members of the Church, embracing but one-fifth of the population, a clear and decided majority at the Board. They have now in that body nine members. The Presbyterians, who outnumber them by about 9000, have but two; the Catholics, who are nearly equal, but one; while the Baptists, amounting, by the census of the same year, to 19,790, and the Methodists to 9498, and all other sects and denominations, are without any of their members in a body whose duty it is to legislate for all. The Catholic bishop has no seat at the Council Board, and clergymen of that and other denominations are, as they ought to be, excluded; yet the bishop of the Episcopal Church has been since the year 1809, and still is, a member.

Your Majesty will readily perceive that, whether designed or not, the mere circumstance of one body of Christians having such an overwhelming influence in the Legislative and Executive Council, has a tendency to excite a suspicion that, in the distribution of patronage, the fair claims of the Dissenting population, founded upon their numbers, respectability, and intelligence, are frequently overlooked. This is not the only objection urged by the people of Nova Scotia

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against the composition of the Council, and to which it is our duty to call Your Majesty's attention. Two family connexions comprehend five of its members, and until very recently, when two of them retired from the firm, five were co-partners in one banking establishment: to this latter circumstance has been attributed the failure of the efforts of the Assembly to fix a standard of value, and establish a legal currency.

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The people of this Province have for years asserted, and still most respectfully assert, their right to control and distribute the casual and territorial revenues of the country, whether arising from the fees of office, the sale of lands, or the royalty paid upon the produce of the mines, as also the amount of the old Crown duties. The lands of the Province are in effect mortgaged to pay to the Commissioner a salary out of all proportion to the duties he is called on to perform. Since his appointment in 1831, 562*l.* 8*s.* 10*d.* have been received on account of 107,923 acres of land sold; and the whole amount, except 216*l.* 8*s.* 0*d.* has been taken to pay the Commissioner, and defray the expenses of the department; while nearly all the mines and minerals of the Province are held under a lease for sixty years by a wealthy English company, without the consent of, and independent of all controul by, the Representatives of the people.

Apart from the mere question of Judges' fees, this Assembly is convinced that the presence of the Chief Justice at the Council Board has a tendency to lessen the respect which the people ought to feel for the Courts over which he presides; while the position occupied there by the Collectors of the Customs and Excise is also unwise.

Though this Assembly might illustrate the evils arising from the structure of the Council by other examples, sad experience has taught them that it is not always safe to attempt to convey to the foot of the Throne representations that are disagreeable to its Members. A year's revenue, and all the appropriations, were sacrificed in a protracted struggle with the Upper House in 1830; and during the present Session the Assembly found itself compelled, by a regard to the public interest, to rescind a series of resolutions, passed after grave deliberation, and comprehending many of the topics touched on in this Address. The evils arising from the structure of the Council are heightened, and rendered more injurious, by the practice adhered to by that body, of shutting out the people from their deliberations. This practice they still maintain, although it is opposed to that of the House of Lords in England, that of the Legislative Councils of Lower Canada, New Brunswick, and Newfoundland; and notwithstanding the murmurs and complaints of the people for a long series of years, and the representations and remonstrances of this Assembly.

While this House has a due reverence for British institutions, and a desire to preserve to themselves and their children the advantages of that constitution under which their brethren on the other side of the Atlantic have enjoyed so much prosperity and happiness, they cannot but feel that those they represent participate but slightly in these blessings. They know that the spirit of that constitution—the genius of those institutions—is complete responsibility to the people, by whose resources, and for whose benefit, they are maintained. But, in this colony, the people and their Representatives are powerless, exercising upon the local Government very little influence, and possessing no effectual controul. In England, the people, by one vote

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of their Representatives, can change the Ministry, and alter any course of policy injurious to their interests; here the Ministry are Your Majesty's Council, combining legislative, judicial, and executive powers,—holding their seats for life, though nominally at the pleasure of the Crown; and often treating with indifference the wishes of the people and the representations of the Commons. In England, the Representative Branch can compel a redress of grievances by withholding the supplies: here they have no such remedy, because the salaries of nearly all the public officers, being provided for by permanent laws, or paid out of the casual and territorial revenues, or from the produce of duties collected under Imperial Acts, a stoppage of supplies, while it would inflict great injury upon the country, by leaving roads, bridges, and other essential services, unprovided for, would not touch the emoluments of the heads of departments in the Council, or of any but a few subordinate officers of the Government.

As a remedy for these grievances, we implore Your Majesty to grant us an Elective Legislative Council, or to separate the Executive from the Legislative Council, providing for a just representation of all the great interests of the Province in both; and, by the introduction into the former of some members from the popular branch, and otherwise securing responsibility to the Commons, confer upon the people of this Province, what they value above all other possessions, the blessings of the British Constitution.

In the House of Assembly
13th April 1837.

(Signed)

GEORGE SMITH,
Speaker.

Appendix.

No. 20.

Copy of a

Despatch from

Lord Glenelg

to Sir

C. Campbell.

6th July, 1837.

No. 20.

*Copy of a Despatch from Lord Glenelg to Sir C. Campbell, dated
Downing street, 6th July 1837.*

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch, dated 1st May 1837, with the Addresses to His late Majesty and to yourself, which it encloses.

Although these documents reached me on the 14th ultimo, the painful circumstances in which the country was then placed, by the melancholy illness of His late Majesty, prevented their being submitted to him; but I am happy to find, that on all the principal questions to which those Addresses refer, His Majesty's pleasure was signified to you in my Despatch of the 30th April, No. 77.

Having had the honour of laying your Despatch, with its enclosures, before the Queen, I have received Her Majesty's commands to refer you to my former Despatch of the 30th April, and to signify Her Majesty's concurrence in the instructions therein conveyed to you. With reference to some of the demands, now preferred in a more specific shape in the Address from the House of Assembly, I am further commanded to return the following answer:—

First. The claim of the Assembly to control and appropriate the whole of the public revenue arising in the Province is frankly admitted by the Queen in the comprehensive and specific form in which that claim is now preferred, subject only to the conditions by which His late Majesty was pleased, in the instructions to the Earl

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of Gosford, and to Sir Archibald Campbell, of which you possess copies, to qualify the corresponding concession. As, however, in Nova Scotia a permanent provision has already been made by law for the support of various public officers, the discussion of the terms of the proposed civil list may be drawn within much narrower limits than in the adjacent provinces.

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Secondly. The amount of the salary of the Commissioner of Crown Lands is admitted to be a fit subject for the deliberation of the local legislature; and every part of the expenditure connected with the Land Granting Department will, very properly, be subjected to their scrutiny and revision; the conditions being, however, maintained for which the Crown has stipulated in New Brunswick, as to the management of the crown lands being vested exclusively in the Executive Government, subject to their liability to account to the Legislature for all expenses incurred in conducting that branch of the public service.

Thirdly. Discouraging as the accounts of the receipt and the expenditure of the Land granting Department since the year 1831 undoubtedly are, they at least prove that His Majesty's Government judged rightly in opposing the advice offered to them at that time, as to the continuance of the old system of gratuitous grants of land. The returns have rather more than balanced the outlay; whereas if those counsels had been followed, the outlay would have formed an uncompensated charge on the other branches of the provincial revenue. You are well aware that the expectations of drawing any considerable income from this source were never sanguine; nor does it now seem reasonable to indulge such hopes. It will be highly gratifying to Her Majesty to learn that the Local Legislature have been able to devise any scheme for rendering this branch of the revenue more productive, or for managing and collecting it at a reduced charge.

Fourthly. The title of the Mining Company to their lease being undisputed, it is superfluous to say that Her Majesty's Government have no power to resume the grant. The introduction of their capital into the Province is, at least, a very material compensation for any prejudice which the inhabitants may have sustained by the creation of their interest in the mines. Supposing, however, that the Province was injured by that transaction, the error will now be repaired to the utmost possible extent, by placing the rents and royalties at the disposal of the Provincial Legislature, and by the enactment of the proposed law respecting the territorial revenue of the Crown, which will render it impossible that this measure should be drawn into a precedent.

Fifth. The exclusion of the Collector of Customs from the councils, whether legislative or executive, is a measure suggested by the Assembly; but as they have not explained the grounds of that suggestion, I can advance no further on this subject than to state that the strong and obvious motives which appear to recommend this officer's admission to the council, are opposed by no considerations of equal weight which have occurred to me.

Sixth. The language of the Address would seem to indicate an opinion which yet is not distinctly propounded, that the Assembly of Nova Scotia ought to exercise over the public officers of that government a control corresponding with that which is exercised over the Ministers of the Crown by the House of Commons,

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To any such demand Her Majesty's Government must oppose a respectful, but at the same time a firm declaration that it is inconsistent with a due advertence to the essential distinctions between a metropolitan and a colonial government, and is therefore inadmissible.

On the other hand, the influence which the Assembly claim to derive from the power of refusing the supplies, properly belongs to them; it being always assumed that this power will be exercised only in defence of the Constitution, and of the rights which the Constitution has created; and it being further assumed that this privilege of refusing the supplies shall not extend to the cases of those officers for whom provision is to be made by the civil list.

Seventh. The Assembly having deliberately expressed their opinion that the welfare of the Province would be promoted by creating two councils instead of one, Her Majesty defers to their judgment on that question, not indeed without some distrust of the soundness of the conclusion, but convinced that it is a topic on which the greatest weight is due to the advice of the representatives of the people. The Queen can give no pledge that the Executive Council will always comprise some members of the Assembly, but commands me to state that the circumstance of any candidate for that honour possessing that share of public confidence which his election as a member of the Assembly indicates, must of course be considered as enhancing his claims to be preferred to those, who, in other respects, may not possess higher qualifications for this trust.

The principle on which councillors should be selected, is explained in my Despatch of the 30th April. You will, with the least possible delay, transmit to me a list of the names of such gentlemen as may appear to you best qualified to compose the legislative and the executive councils of Nova Scotia.

Her Majesty has observed with regret the discussions in which the Council and Assembly have recently become involved. That regret, however, is materially qualified by the observation that their differences do not relate to any vital and cardinal principles, but are such as may be entertained by those who are yet prepared to co-operate in the pursuit of the one common object, the public welfare. I shall best testify my respect for those branches of the legislature by declining to enter on these controverted questions, persuaded as I am that the means of reconciliation will be more readily discovered without the intervention of any third party, and that this happy result cannot long be deferred in a case like the present, when both parties are animated by a lively zeal for the public good, and both are directed by wisdom and experience in the prosecution of that purpose.

You will communicate to both branches of the legislature this Despatch, and my Despatch of the 30th April, as containing the answer which Her Majesty is pleased to return to their Address.

I have the honour to be, &c.

Sir C. Campbell,
&c. &c.

(Signed) GLENELG.

Copy.—(Circular.)

Downing-street, 31st August, 1836.

THE particular attention of His Majesty's Government has been called to measures adopted by various Colonial Legislatures for revising and altering the rates at which different coins should pass current and be a legal tender with reference to local monies of account.

These regulations have obviously considerable influence upon the transactions of those departments which are concerned in the collection of duties imposed by Acts of Parliament, more especially upon transactions of the Military Chest; and as material inconvenience has already been experienced in these respects, it is desirable to adopt such measures as may prevent the recurrence of such inconvenience, and thereby avoid the necessity of revoking such enactments as may be deemed objectionable, after they shall have been promulgated and carried into effect.

With this view I have to desire, that you will not permit any act, or ordinance, or proclamation, or regulation to come into operation in the Colony under your Government relating to the local currency and circulating medium, or to the rates at which coins should pass current, or be a legal tender, or to the circulation of promissory notes, or other paper, either by the Local Government or by any corporate bodies, or individuals, without having first received His Majesty's sanction, conveyed to you by the Secretary of State.

I have the honour to be, &c.

(Signed) GLENELG.

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REPORT OF COLONEL CHARLES GREY ON HIS MISSION TO
WASHINGTON

QUEBEC June 22d. 1838.

My Lord

I have the honour to inform you that in pursuance of the instructions contained in Your Excellency's letter of the 5th inst., I proceeded to Washington, where I arrived on the 12, & delivered the dispatches, with which I was charged, to Mr. Fox.—

The following day I had the honour of an interview with the President of the United States, but being in company with Mr. Fox, I contented myself with adding my testimony to the representations which he made, as to the excited state of feeling on the Canadian frontier, reserving any further communication for the next day, when being invited to dine with the President, I hoped to find an opportunity, in obedience to Your Excellency's orders, of speaking to him in private.—

By going early I obtained this opportunity, when I informed him that Your Excellency's object in sending me to Washington, was that I might give him the direct assurance from yourself, of your anxious wish, in the discharge of your duty as Governor General of British North America, to cultivate the most cordial relations with the Government of the United States; & to express your earnest hope that you might meet with the effectual cooperation of that Government, in your endeavours to preserve the peace of the frontier—

At the same time I pointed out to him that your *first* duty was to give efficient protection to her Majesty's Subjects in Canada, who for the last six months, during which time the Provinces themselves had been perfectly tranquil, had been kept in a constant state of excitement & alarm, by attacks & outrages against Life & Property, committed by Men who had been permitted, almost without interruption, to assemble & concert their measures within the Territory of the United States.— That those who had come forward so nobly in defence of the Queen's Govt. when there was not a single regular soldier in Upper Canada, had a right to demand such protection; & that armed as they were to the number of upwards of 20,000 Men, & restrained only by their confidence in Your Excellency from adopting retaliatory measures, it could not be withheld without imminent danger of their acting for themselves, in a manner, which, with the best possible feeling towards each other, might make a collision between the two Government unavoidable.

The President assented to everything I stated most fully, & repeatedly desired me to assure Your Excellency "in the strongest manner", of the sincere desire of the American Government to preserve the good understanding existing with England, & that you might reckon upon the fullest co-operation which their means admitted, in any measures, which you might think necessary to adopt, for restoring the Peace of the frontier—

He mentioned the steps which they had already taken with this view, of which Your Excellency has been informed by Mr. Fox— that it was as much as their means allowed at the present moment, but that he had no doubt that the Bill before Congress for the increase of the Army would very shortly pass into a Law, & that then more vigorous measures should be adopted—

He entered very fully into the accusations which had been brought against the American Government, that it was not sincere in its wish to preserve peace, that it had fomented the disturbances in Canada, & that it had ulterior views of its own with regard to that Country—All which he denied in the strongest

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terms, & asserted that the annexation of Canada to the Union, was not only far from the wish of the Government, but directly contrary to the interests of the United States.—

Later in the evening I had a long conversation on the same subject, at his own request, with Mr. Poinsett the Secretary at War; in which I dwelt yet more strongly on the necessity Your Excellency was under of affording, at all hazards, efficient protection to her Majesty's Subjects, & of the regret with which you would find yourself compelled to employ the large force which had been placed at your disposal, in securing the Canadian frontier from hostile aggression coming from the United States.—Mr. Poinsett asserted, still more strongly than the President, the anxious wish of the American Government to preserve peace, & to assist in re-establishing a settled state of things on the frontier.—To show what had been already done, he promised to send me the next morning a copy of the Instructions given to General Macomb (which I received accordingly, & have herewith the honour to enclose), & suggested that Your Excellency should open a communication with that officer as soon as possible—to whom an intimation should immediately be sent that he might expect such communication, with instructions to cooperate in any measures which might be suggested, in the first place for rooting out the Band of Pirates now assembled in The Thousand Islands, & afterwards for rendering the Navigation of the Lakes & river, & the communication between the two Countries secure—

Mr. Poinsett attached great importance to an early resumption of the usual intercourse between the Countries, & "*pledged himself*" repeatedly that on the passing of the measure now before Congress for the increase of the Army, any suggestion from Your Excellency as to the means of rendering that Inter-course safe, should at once be attended to & acted upon— & that in the mean time, no measure within the scope of their present means to adopt, for the preservation of the peace of the frontier, should be neglected—

Nothing could be more satisfactory than the manner of both the President & Mr. Poinsett— They seemed fully aware of the dangers to the Peace of the two Countries, arising from the present state of things on the frontier, & really desirous of putting an end to it—at the same time it is evident that there has been hitherto a culpable inactivity on the part of the United States Government— & I cannot but attribute their present measures to the firm tone taken by Your Excellency in your proclamation after the burning of the Sir Robert Peel, & to their knowledge that you have under your orders a force sufficient for the purpose of protecting her Majesty's subjects, even without their cooperation— Your Excellency will observe that the communication from Mr. Forsyth to Mr. Fox is only dated the 12th june, the day of my arrival in Washington—that the Instructions to Genl. Macomb, & the General order of that officer, which I also enclose—bear the same date—Mr. Fox, however, only received Mr. Forsyth's communication on the 13th in my presence, after my interview with the President had been arranged, & I cannot but think that the whole of these measures were then adopted, in anticipation of the communication, which from your proclamation they had been led to expect from Your Excellency, & of which, it was supposed, I was the Bearer—

I have the honour to remain

Yr. Excellency's

Most obedt. Servt.

C. GREY, Lt. Col.

HIS EXCELLENCY

The EARL of DURHAM, G.C.B.

&c.

&c.

&c.

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I ought perhaps to mention that Mr. Poinsett was anxious to learn the Number of Regiments now in this country.— This I gave him correctly, adding that five more were expected, which with the Artillery & Cavalry would give,— exclusive of the Regiments in New Brunswick & Nova Scotia, an effective force of upwards of 13,000 men.—

Secret & Confidential.

No. 36

Castle of St. Lewis,
Aug. 9 1838.

My Lord,

The information which my residence here has enabled me to obtain as to the condition of the two Canadas, is of such a nature as to make me doubt whether, if I had been fully aware of the real state of affairs in this part of the world, any considerations would have induced me to undertake so very difficult a task as is involved in my mission. I do not, however, wish it to be understood that I consider success impossible. On the contrary, I indulge a hope, that if the difficulties and dangers that are now so apparent to me, are appreciated by Her Majesty's Government, so as to lead to their adoption of measures sufficiently comprehensive and decided to meet the emergency, the objects of my mission may be accomplished.

My sole purpose, therefore, in adverting to circumstances which threaten a different result, is to impress upon your Lordship my own conviction, which has been formed by personal experience, that even the best informed persons in England can hardly conceive the disorder or disorganization which, to the careful enquirer on the spot, is manifest in all things pertaining to Government in these colonies.

Such words scarcely express the whole truth. Not Government merely, but society itself seems to be almost dissolved. The vessel of the State is not in great danger only, as I had been previously led to suppose, but looks like a complete wreck.

It is needless to point out the wide difference between this representation and the opinions on the subject which were, and probably still are, held by Her Majesty's Ministers; but since one who had the benefit of whatever information they possessed, is nevertheless compelled to acknowledge that the truth, as it now appears to him, differs so much from his previous conceptions of it, what can he infer but that distance has precluded them from acquiring an accurate knowledge of the whole subject? This is my belief; and it becomes therefore an imperative duty on my part, to convey to your Lordship the exact impressions which I have derived from personal inquiry and observation. I will not shrink from the performance of that duty.

On the present occasion, however, I propose to confine myself to a particular class of circumstances; that is, to those which relate to the Lower Province, and are of the most unfavourable character; my object in making such a selection being to state without reserve, in a separate despatch, certain facts and opinions, as to which, as coming from me, it is most inexpedient that any publicity should be given for the present: this despatch will therefore be marked 'Secret'.

The first point to which I would draw your attention, being one with which all others are more or less connected, is the existence of a most bitter animosity between the Canadians and the British, not as two parties holding different opinions and seeking different objects in respect to Government, but as different races engaged in a national contest.

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This hatred of races is not publicly avowed on either side. On the contrary, both sides profess to be moved by any other feelings than such as belong to difference of origin; but the fact is, I think, proved by an accumulation of circumstantial evidence more conclusive than any direct testimony would be, and far more than sufficient to rebut all mere assertions to the contrary. If the difference between the two classes were one of party or principles only, we should find on each side a mixture of persons of both races; whereas the truth is that, with exceptions which tend to prove the rule, all the British are on one side, and all the Canadians are on the other. What may be the immediate subject of dispute seems to be of no consequence; so surely as there is a dispute on any subject, the great bulk of the Canadians and the great bulk of the British appear ranged against each other. In the next place, the mutual dislike of the two classes extends beyond politics, into social life, where, with some trifling exceptions again, all intercourse is confined to persons of the same origin. Grown-up persons of a different origin seldom or never meet in private society; and even the children, when they quarrel, divide themselves into French and English like their parents. In the schools and the streets of Montreal, the real capital of the province, this is commonly the case. The station in life, moreover, of an individual of either race seems to have no influence on his real disposition towards the other race; high and low, rich and poor, on both sides—the merchant and the porter, the seigneur and the habitant—though they use different language to express themselves, yet exhibit the very same feeling of national jealousy and hatred. Such a sentiment is naturally evinced rather by trifles than by acts of intrinsic importance. There has been no solemn or formal declaration of national hostility; but not a day, nor scarcely an hour passes without some petty insult, some provoking language, or even some serious mutual affront occurring between persons of British and French descent. Lastly, it appears upon a careful review of the political struggle between those who have termed themselves the loyal party and the popular party, that the subject of dissension has been, not the connexion with England, nor the form of the constitution, nor any of the practical abuses which have affected all classes of the people, but simply such institutions, laws, and customs as are of French origin, which the British have sought to overthrow, and the Canadians have struggled to preserve, each class assuming false designations and fighting under false colours—the British professing exclusive loyalty to the Crown of England, and the Canadians pretending to the character of Reformers. Nay, I am inclined to think that the true principles and ultimate objects of both parties, taken apart from the question of race, are exactly the reverse of what each of them professes; or, in other words, that the British (always excluding the body of officials) are really desirous of a more responsible Government, while the Canadians would prefer the present form of Government, or even one of a less democratic character. I shall have more to say on this head presently, having mentioned the subject here only for the purpose of citing another fact which tends to prove the existence of a deep-rooted national sentiment on both sides. Such a contradiction between the real and avowed principles of each party, could not have occurred if all the people had been of one race, or if every other consideration had not given way to the sentiment of nationality.

This general antipathy of the Canadians towards the British, and of the British towards the Canadians, appears to have been, as it were, provided for at the conquest of the province, and by subsequent measures of the British Government. If Lower Canada had been isolated from other colonies, and so well peopled as to leave little room for emigration from Britain, it might have been right at the conquest to engage for the preservation of French institutions,

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for the existence of a 'Nation Canadienne'; but, considering how certain it was that, sooner or later, the British race would predominate in this country, that engagement seems to have been most unwise. It insured such a strife as has actually taken place; for, notwithstanding the division of Canada into two provinces, for the purpose of isolating the French, the British already predominate in French Canada, not numerically of course, but by means of their superior energy and wealth, and of their natural relationship to the powers of Government.

It was long before the Canadians perceived that their nationality was in the course of being over-ridden by a British nationality. When the Constitutional Act bestowed on them a Representative System, they were so little conversant with its nature, and so blind to the probable results of British emigration, that they described the constitution as a 'machine anglaise pour nous taxer', and elected to the House of Assembly a majority of Englishmen. But with the progress of British intrusion, they at length discovered, not only the uses of a representative system, but also that their nationality was in danger; and I have no hesitation in asserting that of late years they have used the Representative System for the single purpose of maintaining their nationality against the progressive intrusion of the British race. They have found the British pressing upon them at every turn, in the possession of land, in commerce, in the retail trade, in all kinds of industrious enterprise, in religion, in the whole administration of government, and though they are a stagnant people, easily satisfied and disinclined to exertion, they have naturally resisted an invasion which was so offensive to their national pride.

The British, on the other hand, impeded in the pursuit of all their objects, partly by the ancient and barbarous civil law of the country, and partly by the systematic opposition of the Canadians to the progress of British enterprise, have naturally sought to remove those impediments, and to conquer without much regard to the means employed, that very mischievous opposition. The actual result should have seemed inevitable. The struggle between the two races, conducted as long as possible according to the forms of the constitution, became too violent to be kept within those bounds. In order to preserve some sort of government, the public revenue was disposed of against the will of the Canadian people represented by their Assembly. The consequent rebellion, although precipitated by the British from an instinctive sense of the danger of allowing the Canadians full time for preparation, could not, perhaps, have been avoided; and the sentiment of national hostility has been aggravated to the uttermost, on both sides, by that excessive inflammation of the passions which always attends upon bloodshed for such a cause, and still more by this unusual circumstance, that the victorious minority suffered extreme fear at the beginning of the contest, and that the now subdued majority had been led to hope everything from an appeal to force.

There seems to me only one modification of this view of the subject. The employment by the Canadians of constitutional and popular means for their national purpose, has taught some of them, consisting chiefly of the most active and able, higher political views than such as belong to the question of nationality. These men are not, at heart, friendly to the barbarous institutions of their ancestors, but would readily adopt a more enlightened system, if they could do so without losing their own importance. Their necessary dependence on the prejudiced mass has alone restrained them from joining in many of the views for the improvement of the country which are entertained by the British. They have also learned to estimate the practical abuses of Government which affect all classes, and to wish for many reforms without reference to Canadian nationality. They even had, to some extent, succeeded in disseminating their

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opinions amongst the mass of their countrymen; and they are not unlikely to play a valuable and distinguished part under any new system of government that may put an end to the strife between hostile races; but, unfortunately, their number is so small as scarcely to affect my opinion of the temper of the Canadian people.

Supposing my view of that subject to be correct, your Lordship will readily understand that the bulk of the Canadian people are as disaffected as ever, and that the British part of the population regard the Canadians with vindictive jealousy. The Imperial Government is distrusted by both parties; by the Canadians because they fear, or rather expect in gloomy silence, that advantage will be taken of their late rebellion to remove the very causes of dissension, by giving a British character to the institutions and laws of the province, so that there shall no longer be any serious impediment to British colonization and enterprize; and by the British, on the other hand, because they doubt whether the Imperial Government will ever sufficiently understand the state of parties here, to approve of the great changes which must inevitably take place, if another period of legislative strife, and perhaps another rebellion, are to be averted.

This common distrust of the Imperial Govt. is illustrated by a remarkable circumstance. Both parties are disposed to wish for a war between England & the United States. Though there are but few on either side who would make such an avowal, the truth appears from circumstantial evidence; such as the pains taken by the British organs of the press to affront & provoke the Americans, & the curious satisfaction & industry with which both Canadians & British of all conditions invent & propagate reports of a warlike tendency. No tale is too extravagant for the belief of either party, provided it encourages the hope of an American war; & every story of the sort is listened to & repeated with a degree of satisfaction proportioned to its absurdity.

It is only as a means to very different ends, of course, that both parties long for a war. The British imagine that a war, by compelling the Imperial Govt. to rely altogether upon their party, would enable them to arrive by the shortest cut at their great object; viz, the extinction of Canadian institutions & power; & that it would also give them an opportunity of revenge for the serious losses & exasperating fears which they have recently suffered at the hands of the Canadians; while the Canadians, on the contrary, hope that they should obtain by means of a war, that revenge upon the British which, after recent events they cannot help desiring above all things. Such confidence in opposite results according to the wish of either party, may perhaps be explained by reference to the blindness of passion.

And here I must notice a fact of great importance. The more discerning of the Canadians are perfectly aware that if the authority of the United States should ever extend to this country, whether by means of war or of a peaceful union, the peculiar institutions, and even the language of French Canada would be extinguished as soon as possible, yet are they willing, with the exception perhaps of a considerable portion of the clergy, to incur the loss of all that they have held most dear, in order to gratify the sentiment of vengeance that has now got possession of them. I would not exaggerate the amount of the sacrifice that they are willing to make for the sake of revenge. It is right to add, therefore, that, in my opinion, they almost despair, come what may, of preserving those ancient usages and that distinct nationality, in defence of which they have struggled so many years.

But, be this as it may, whether they are moved by a sentiment of mere vengeance, or by revenge mixed with despair, I am well convinced that an American invasion of this province would be highly acceptable to most of

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them. The distribution of the people adds to the danger from this circumstance. Excepting the towns of Quebec & Montreal, one or two villages which are called towns, & certain townships settled by people of British origin, it may be said that the whole country is possessed by Canadians. The peculiar mode of settlement which took place under the system of seigneuries, has caused nearly all the main roads to be lined with houses, detached but near together, so that almost every road, whatever its length, has the appearance of a straggling street; while the lands on both sides of the road, being generally cultivated, are divided into small fields with strong enclosures. Communication by land, therefore, is almost subject to the pleasure of the Canadians. A people so much the reverse of Martial, might never avail themselves of this advantage without the encouragement of foreign aid; but I repeat that the foreign enemy would operate in a friendly country, & am bound to add that the most competent judges are of opinion, that the late rebellion would probably have succeeded without American assistance, if the Canadians had been prepared for it, & directed by capable leaders.

Satisfied of the disaffected temper of the Canadians as a people, I have naturally taken pains to acquire correct information as to the state of feeling in the United States as respects these Colonies and the Mother-country.

All reports concur in assuring me that the present government of the Union, and a vast majority of the American people, are decidedly adverse to a rupture with England. Having already conveyed this assurance to your Lordship, I need not dwell upon it here; but there are points in the state of American feeling towards these colonies, and especially near the frontier, of so much moment as to require particular notice.

In the first place, although some persons in the States, and the more so, if they have visited this country, are aware of the true nature of the late rebellion, it is a common opinion in America that the contention in this province has been between the Executive Government on the one hand, supported by a minority, and the majority of the people, without distinction of race, on the other; and that the subject of disagreement has been practical grievances and general principles similar to those which formed the matter of dispute between England and her old colonies in America.

As their fathers rebelled in defence of those old English charters of local self-government, which placed local taxation and revenue at the sole disposition of popular assemblies, so they think that the Canadian majority was justified in withholding supplies, and in resisting by force the violation of their constitution by the British Parliament.

They believe, in a word, that the majority in Lower Canada has contended for the maintenance of popular rights, and that arbitrary government is the aim of the minority. The mistake is easily accounted for: it is only on the spot that one learns how the real subject of strife in Lower Canada has been a question of nationality; everywhere else, the false professions and designations employed by both parties, combined with the plain fact that the contest has been between a majority and a minority, is apt to mislead the inquirer, by keeping out of view the distinction of races. If the whole subject were understood by Americans, they would probably sympathize with those who are of the same origin as themselves, who resemble them in numerous particulars, and who seek objects which, if this country were under American rule, would be unhesitatingly accomplished, as similar objects have been attained in the Dutch colony of New York, and the French colony of Louisiana.

There is no people under the sun to whom the feudal institutions and most defective civil laws of the Canadians would be more intolerable, than the Anglo-Saxon race of the United States. But they have misunderstood the case.

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They have fallen into the not uncommon mistake of confounding means with ends. Believing that the means employed by the Canadians, in the Assembly, were constitutional and popular; and seeing that the British, being in a minority, necessarily clung to the local executive and the Imperial authority; above all, regardless of the accident (for so it may be termed with respect to the question of nationality), by which the Canadians happen to constitute a majority, Americans have supposed that the objects of both parties in the colony were of the same nature respectively, as the means on which each party has relied. An ever active sentiment of national pride is, perhaps, the most remarkable feature in the American character. It might have been foreseen, therefore, that the Americans, proudly recollecting the origin and progress of their own revolutionary war with England, should sympathize with the Canadians, or rather with the majority, who happen to be Canadians. Whether they may ever comprehend the false position assumed by both parties in this colony, I will not venture to predict; but so long as their view of the subject shall remain unchanged, they will, I believe, continue to sympathize with that side which has the air of contending for democratic principles and popular objects, and to wish that it may prevail over the other, which appears in the light of an oppressive minority.

Secondly: Having regard to the national pride of America, it is certain that the temper and tone of the British party towards that country, tends to stir up angry passions throughout the Union, and especially near the frontier, where articles from the colonial newspapers are generally reprinted. The British cannot but resent that American sympathy with the Canadians which I have just described; & they secretly wish, moreover, for the reasons stated in a former part of this Despatch, that England may be involved in a war with America. Hence their organs of the press abound with false statements, much exaggerated descriptions, perversions of the truth, insulting reflexions provoking sneers; & low-lived abuse, of which the effect, not to say the aim, is to stimulate & goad the national pride of Americans. Certain published writings & public discourses of the late Lieut. Governor of Upper Canada had a similar tendency. Hitherto the national pride of America has not been deeply wounded by these means (and I do all in my power to mitigate the natural influence of such affronts to it); but I am credibly informed that these unceasing attacks have not been without effect, and that they form a subject of growing irritation.

Thirdly: By the existence of a state of things, out of which it is easy to see that war might spring, the American mind becomes more and more familiar with the idea of war. Differing as the Americans do, from all other nations, in the universal diffusion of an active interest in public affairs, and in a habit which belongs to all ranks, of calculation as to the future, they are led, by the political state of these provinces, to discuss the subject of war hypothetically, if I may use the expression; they are reminded of the events of the last war, and one of them in particular, the capture of Washington, which inflicted a deep wound on the national pride, and by frequently conversing on such exciting topics, they gradually approach that state of feeling under which the government, necessarily impelled by the people, would find it hard to maintain friendly relations with England. I am therefore inclined to believe—what has been confidently asserted by observers on the spot—that opinion in the States was gradually becoming less unfavourable to war, than it was.

Fourthly: It is not to be denied that the distracted state of these colonies occasions no little inconvenience to the frontier states, and to the Federal Government; it calls for an increase of the army, a sort of military array on the frontier, and the exercise of new powers by the executive, which are opposed

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to the habits, if not the institutions, of the American people. All the expense and annoyance are attributed to the British Government. A dispassionate American admits that his government is bound, at whatever cost, to prevent aggressions on the Canadian frontier; and he does not deny that the obligation has been inadequately fulfilled; but when reminded of the inefficiency of the laws for that purpose, and the weakness of the American executive, he answers that the true source of every difficulty is the weakness of the British Government in Canada, which has not maintained order amongst its own subjects, nor is able to protect the United States from such a nuisance as arises from the conduct of British refugees within their territory. This retort, without stopping to examine its justice, suffices to show that, until order shall be restored in these colonies, a great cause of irritation in America will probably continue to operate with increasing force.

Fifthly: The boundary question, being much mixed, as it unavoidably is in America, with considerations arising out of the state of these colonies, forms a more active element of hostile feeling than would otherwise have been the case.

Lastly: It is certain that, amongst the frontier population of the United States, which, I should observe, has very greatly increased since the last war, there exists a numerous body of men, young, active, energetic, and self-relying, who, from various motives, long for an opportunity of invading Canada. Some of them are moved by an opinion, which it would not be easy to question, that if these colonies were laid open to American enterprise, a great impulse would be given to the industry and trade of that part of the States, which now constitutes the frontier; some are influenced by one or other of the circumstances to which I have already adverted; some by that love of adventure merely, which belongs to the American character; and some by a reasonable calculation of the gain and distinction which, in troubled times, usually fall to the most active and daring. The manner in which these people talk of invading the Canadas, exemplifies the self-reliance of American citizens. They do not expect that the Federal Government should open the way for them by military operations; they even avow their belief that, in a contest of troops only, the British would surely prevail; but they reckon upon the friendly disposition towards them of great numbers on this side, and upon swarming over the line in such numbers, and at so many places simultaneously, as to get possession of the country in spite of military obstacles. I do not pretend to weigh such calculations, but state them as they have been reported to me. If I am not misinformed, it is well that I should remind Her Majesty's Government of the invasion of Texas by a body of American citizens, who, without the least aid from their government, have seized an extensive country, defeated armies, got possession of the soil, and established themselves as a nation, with constitutional government, a judicial system and municipal institution, as complete as any in America. There is certainly no immediate danger of such an attack upon these colonies; and I have mentioned the subject only for the purpose of indicating the probable character of the contest that would take place here, if all the causes now in operation should finally produce one. It was in consequence of all these important considerations that, during my late residence on the American frontier, I courted the most unreserved communication with all respectable Americans, for the purpose of impressing them with a more sound and accurate conception of the real state of things; with a more just appreciation of our system of government, and its real objects; and with a due sense of the danger which would arise to themselves, if their government remained a passive spectator of all these proceedings, tending, as they did, to destroy all confidence in its executive strength, and all reliance on the national honour.

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I am happy to say that my efforts have been successful, that a great change has taken place in public feeling on the American side, and that my exertions to restore tranquillity and good order are encouraged and supported by the most influential portions of the press and of society in the United States.

Except as it has been noticed for the purpose of explaining the temper of the Canadians, and one of the causes of irritation in the United States, a most important subject yet calls for your Lordship's attention; I allude to certain feelings and views of the British section of Her Majesty's subjects in this province.

Your Lordship is already informed of the general satisfaction expressed by the British party, at my having, when I assumed the Government, avoided connecting myself with the old body of officials. It may be supposed that the body in question did not participate in that sentiment. I very soon became aware, therefore, of the existence of some difference between the official body and the British in general. Subsequent observation has convinced me, that, except in their common hostility to the Canadians, there is no sympathy between these two classes, & even that the British generally who are not connected with office, regard most of those who are, with feelings bordering on aversion & contempt.

That this should be the case is really not surprising when one discovers how all the powers of Government have been neglected and abused for many years past in this colony. Not to go further back than the commencement of serious differences between the Canadians and British as such, since when the two branches of the legislature have neglected their proper functions to pursue the contest between races, a long time has passed without anything like beneficial legislature, and not a few of the many evils resulting from this perversion of legislative powers, have, by a very natural mistake, been attributed to neglect and corruption in the Executive. At the same time, it must be confessed, that the Executive has been both neglectful and corrupt. I need not remind your Lordship of those flagrant instances in which the Imperial Government has been led to interfere for the correction of administrative abuses; nor is this a fit occasion for entering on that subject in detail; but I am bound to add, that the Government of this province, including the administration of justice, has not obtained the respect of the people, and that, according to all my information, there has been ample ground for the distrust and suspicion with which authority is regarded.

This leads to another feature in the disposition of that portion of the British inhabitants which may be termed independent. Their main object, as I have before explained, has been to remove the obstacles which the ignorance, the apathy, and the ancient prejudices of the Canadians opposed to the progress of British industry and enterprise; to substitute, in short, for Canadian institutions, laws and practices, others of a British character. In this pursuit they have necessarily disregarded the implied, not to say precise engagement of England to respect the peculiar institutions of French Canada. But the Imperial Government, on the contrary, never quite forgetting that ancient pledge, has rather extended its protection to the Canadian than espoused the cause of the British settlers. It were to be wished, perhaps, that this policy had been consistently pursued from the beginning; as, in that case, a British community might not have grown up here, with feelings, wants, and a degree of power which make it simply impossible to pursue such a policy now. But it has not been consistently pursued. By a variety of measures, and especially by promoting emigration to this colony, the Imperial Government have really undermined the Canadian nationality which they perhaps intended to preserve. A similar contradiction may be observed in their treatment of the national

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struggle which has ended in civil war. Never taking a decided part with either section in the colony, they have wavered between them, now favouring the one and then the other, but neither decidedly, and finally displeasing both sections in about the same degree. Under such a system, if it may be called one, no governor could have pursued a consistent course, or have attached either the Canadians or the British to the Imperial Government.

I should not permit myself to say this reproachfully, even if there were room for an accusation, which in my humble opinion there is not; but I mention it as a necessary result of the original false step, and for the purpose of explaining the present disposition of the British party. Deeply offended at every measure or decision of the Imperial Government which thwarted their own British or Anti-Canadian views, they are also wanting in that respect for the supreme authority which is sometimes felt by the discontented subjects of a decided and vigorous Government. With less antipathy, no doubt, & more caution, but also with far more self-reliance, they are as little loyal as the Canadians. Restrained (though not entirely) from the public expression of their sentiments by a hope that the Imperial Government may yet accomplish the object on which their heart is set, they have no such reserve amongst themselves; nor do they at all care who knows of the language commonly held by them when speaking of the Imperial Government, and the connexion between this colony and the Mother-Country. I am assured that the leaders and their followers, one and all, are in the habit of declaring that, rather than be again subject to the French (meaning rather than see another majority of Canadians in the Assembly) they should much prefer a union with the United States; & that if they are deserted by the British Govt. (I use their own expressions) they shall find a way to take care of themselves. I should be sorry to report any idle conversation upon such a topic, but have no doubt that language of this kind is commonly uttered with an earnestness of manner which should prove its sincerity. And this is not all: for the sentiments expressed are enforced by deliberate arguments, such as, that the Americans, if they had possession of this country, would quickly dispose of Canadian supremacy; that the present sympathy of the Americans with the Canadians should be forgiven on the score of ignorance; that the institutions of America, being favourable at all events to industrious enterprize, are well-suited to a People of British descent settled on this continent, & would be infinitely preferable to Canadian feudalisms; that if American aggression does not force the Imperial Govt. to extinguish the Canadian nationality, American assistance would enable the British in Lower Canada to attain that first of objects; that if the British here were to offer a friendly hand to the Americans, it would be cordially accepted; that considering the exasperation of the Canadians produced by late events, there can be no permanent safety for people of British descent except by rendering the colony thoroughly British, or, in case of need, thoroughly American; & that if the Imperial Govt. should not provide for the security of its British Subjects, the time will soon be past for obedience to any other Law than that of self-preservation.

That such views are currently expressed amongst the British party, there can be no doubt; and I am the more disposed to believe them sincerely entertained, because, having reference to a future contingency, they are not inconsistent with those loud professions of loyalty and attachment to England by which the British minority has hitherto sought to enlist the Imperial Government against the Canadian majority. At present, of course, such views are merely speculative, everything being held in suspense by the large powers awarded to me, and by the hope of a happy settlement of affairs upon my recommendation.

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Notwithstanding, however, the very unfavourable representations contained in this despatch, I am induced to hope with confidence, that success may ultimately attend the measures with respect to this country which have been recently adopted by the Imperial Government. My principal reason for this assurance is drawn from the good effect already produced by decided and vigorous action. The exercise of the very extensive powers placed in my hands, seems to have operated as a sort of charm, like oil poured upon troubled waters. At this moment all is still. A stranger would hardly believe that the country had been recently distracted by civil war. Expectation for the future is, I trust, taking the place of angry passions occasioned by the past. I must, however, conclude by assuring your Lordship, that whatever hopes I entertain of the future, depend altogether on the supposition, that Her Majesty's Government and Parliament will not shrink from the adoption of permanent measures of remedy and prevention, proportioned to the greatness of the difficulties with which I have yet to contend, and will sanction such measures as will effectually provide for the abstraction of all legislation on British interests from the control of a French majority. I am of opinion that this great object can be legitimately effected without violence to Canadian rights, and in strict accordance with the soundest principles of constitutional government.

The time is fast approaching when I shall be enabled to bring these measures under the consideration of Her Majesty's Government; and in the meantime I recommend to their serious attention the important points to which I have referred in the present communication.

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PLEA OF ROBERT BALDWIN FOR RESPONSIBLE GOVERNMENT

TORONTO 23 August 1838.

My LORD

It is with great reluctance that I have brought myself to the determination of addressing Your Lordship with reference to the subject of the interview with which you were pleased to honour my father & myself on your late visit to this Province. And nothing but a belief that my abstaining from doing so after the gracious manner in which Your Lordship was pleased to invite such communication would be at once an abandonment of my duty to my country and an act of ingratitude to Your Lordship, could have induced me to depart from my resolution of avoiding any farther interference in the politics of the Province—

In departing from this resolution too on the present occasion I am labouring under the disheartening consideration that what I have to submit must be little more than a repetition of views & opinions which were formerly laid before the Home Government; and which were not only not adopted but were unhappily followed by Lord John Russell's Resolutions of 1837— Had the advice which on that occasion I took the liberty of offering been then taken, I believe few will deny that the late Rebellion would have been prevented— I now repeat that advice to Your Lordship with a solemn assurance of my belief that sooner or later it must be adopted, and those fatal Resolutions abandoned, or that England will continue to retain these Colonies by means of her troops alone— To my Letter to Lord Glenelg on that occasion, a copy of which is enclosed, I take the liberty of referring Your Lordship not only because it contains all, which on the points embraced in it I have now to offer, but because by comparing it with the events which unhappily we have since had to deplore Your Lordship will see that I was not wholly mistaken in the importance which I then attributed to the adoption of the course which I recommended— Although I candidly confess that I did not anticipate an outbreak so immediate as subsequently took place— And be assured My Lord that although, to avail myself of an illustration of Your Lordships, he who is placed on an eminence may from the elevation of his position have a more extended view and be better able to judge of the relative positions of the several objects by which he is surrounded than the humble occupant of the valley below; it is the latter who has the best opportunity of observing the gradual crumbling of the snows at the foot of the Mountain which though slow and imperceptible except to the minutest inspection not the less certainly indicates the approaching avalanche— Your Lordship occupies the former and more responsible of these positions; the individual who now addresses you the latter— While therefore Your Lordship does not, I feel assured, overrate the power which you wield, I confess, with I may truly say the most unbounded confidence in Your Lordship's good intentions, I feel much alarm lest the remedies which that power may apply will either not reach the root of the evils under which we are suffering, or receiving a wrong direction leave those evils wholly untouched. And the short interview with which I was honoured while it increased my confidence in those intentions added much to my alarm for the result; because I thought I discerned if not a final opinion at least a strong bias in favour of a measure which in my own mind I am convinced can end in nothing but disappointment. The establishment of a general Legislative body for all the Colonies, unless as a preparatory step to making them independent, would in my humble opinion be worse than useless: And would unquestionably tend rapidly to bring about a separation from the

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Mother Country. The Imperial Parliament is the tribunal in whose hands should be retained all the powers of general legislation essential to the welfare of the Empire as a whole: And for all legislation of a local character the Legislatures of the respective Provinces will I am convinced be found the best adapted— If I express myself more strongly on this occasion than may appear decorous towards one of Your Lordship's exalted rank and character, Your Lordship will not impute it to any want of that respect which, conscious yourself of deserving, you will not believe me capable of withholding; but to the true cause,—the deep importance of the subject itself to all that is dear to me—and I confess when I see the only man perhaps in the Empire who from his political reputation and peculiar position is in a situation to induce the Home Government to retrace its steps, concede to the Provincial Parliament its just influence in the direction of the local affairs of the Colony, and thus place the affairs of my native country upon a foundation from which permanent tranquility may be looked for, about as I believe to waste the energies of his master mind in an experiment of the failure of which I entertain not the slightest doubt I feel that I should be criminal if I did not in terms the most distinct and unequivocal express my entire and unqualified dissent to any such experiment being made—

Your Lordship has been the first statesman to avow a belief in the possibility of a permanent connection between the Colonies & the Mother Country— It is I confess not a little gratifying to me thus to have Your Lordship's high sanction to an opinion which I always entertained & avowed; although it has heretofore been treated as chimerical even by those most loud in denouncing the political opinions which I entertain as inconsistent with the continuation of that connection, and at once unconstitutional in their character and republican in their tendency— Your Lordship has gone farther you have said that the connection must be preserved— I sincerely feel grateful to Your Lordship for this announcement— It will I trust put an end to the repeated references to the arrival of a time when these Colonies must cease to be a part of the British Empire which have not unfrequently proceeded from the very servants of the Crown, and which I have no doubt have had an injurious effect in unsettling mens minds and directing their attention to the consideration of the republican frame of Government which under the expectation thus held forth their country was ultimately to possess and thus leading them to the adoption of republican rather than monarchical forms in the remedies which they have sought to have applied to the evils which they were or fancied themselves to be suffering.— Hence I think may clearly be traced among others the call for an elective Legislative Council, than which I am convinced nothing could be more inefficient *of itself* as a means of removing the discontent under which the Province has been labouring; And nothing except the abolishing the Upper House altogether more fatal to the connection between the two Countries—

If Your Lordship then after the solemn announcement of the great principle that the connection *must* be maintained can but happily succeed in giving us a system which by its own working shall tend to establish & strengthen that connection you will have indeed done a great public service to your own Country but you will have conferred a greater far greater benefit upon these Provinces— If on the other hand however you unhappily fail in the latter point, you will by the former have only laid the foundation of one day a more protracted and therefore a more unhappy struggle— Fearful then is the responsibility which rests upon Your Lordship and therefore it is that I have not felt at liberty to withhold my voice humble as it is at the present momentous crisis— My views as to what is required are contained in the letter of which I send a copy. To which I shall only add that the opinions there expressed have been strengthened not weakened by subsequent observation—

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Your Lordship must adapt the Government to the genius of the people upon and among whom it is to act— It is the genius of the English race in both hemispheres to be concerned in the Government of themselves— I would ask Your Lordship, would the people of England endure any system of Executive Government over which they had less influence than that which at present exists? Your Lordship knows they would not.— Can you then expect the people of these colonies with their English feelings & English sympathies to be satisfied with less— If you do Your Lordship will assuredly be disappointed— They can see a reason why their relations with foreign countries should be placed in other hands; but none why their domestic concerns should not be managed upon similar principles to those applied in the administration of the Imperial Government— It is in vain to direct their attention to this or that grievance— Many that have been harped upon in the political heat of the day as evils of appalling magnitude are no grievances at all and many others would cease to be such under the system proposed— You must place the Government in advance of public opinion you must give those in whom the people have confidence an interest in preserving the *system* of your Government, and maintaining the connection with the Mother Country, and then you will hear no more of grievances because real ones will be redressed imaginary ones will be forgotten— But short of this all your efforts to produce harmony and all your exertions to preserve that connection will I am satisfied be wholly unavailing—

These are the views which I laid before Sir Francis Head when he sent for me on his first arrival in the Province— These views I again pressed upon the consideration of Lord Glenelg and Lord John Russell when in England in 1836, and I now again and for the last time would most earnestly urge them upon the consideration of Your Lordship as the only ones which would produce a system which, by adapting itself to the exigency of circumstances as they arise, would lay the foundation, if it be now possible to lay such foundation, of lasting tranquility—

To conclude My Lord with all the deference which becomes me when addressing your Lordship yet with all the firmness which I owe to my children and my country as a Canadian subject of Her Majesty I object first to the alteration of the Constitution in the minutest particular and secondly to the sacrifice of any single branch of the Royal Prerogative— Both of them are my birth right and I claim from Your Lordship the preservation of them in all their integrity— And lastly I claim to have applied to that Constitution and to have used in the exercise of that Prerogative the same principle of responsibility to the people through their representatives which is daily practiced in the Executive Government of that mighty Empire of which it is yet my pride to be a subject

With sentiments of the most profound respect

I remain my Lord

Your Lordships Most

obedient humble Servant

ROBT. BALDWIN

The Right Honble.

The Earl of Durham

&c &c &c

4 TRINITY COURT, CHARING CROSS
13th July 1836.

MY LORD,

I have to acknowledge the receipt of a Letter from Mr. Stephen in reply to mine of the 20th ulto. requesting the honor of an interview with Your Lordship, on the public and private grounds referred to in my former Letter.—

As Your Lordship does not deem it advisable to accede to my request for a personal interview, I will not trespass on Your Lordship's time by any further reference to myself, or the injustice which I, and indeed all my late Colleagues, have reason to complain of having received at the hands of the Lieutenant Governor— More than enough is already before Your Lordship to place this in a very strong light— Your Lordship I feel assured cannot approve of the conduct of Sir Francis Head, however necessary you may imagine it to be, not publicly to condemn it; and I can personally have no desire to pursue the subject; I will only take the liberty of assuring Your Lordship, that as it was no desire of place that induced me to accept the seat pressed upon me by Sir Francis Head, nothing but a desire of justifying myself to the Government, under which I was born, and to which I am both by duty and affection still most warmly attached, could as far as, I am myself personally concerned, have induced me to trespass on Your Lordship by the request.— I shall take it for granted however that Your Lordship will do us the justice to point out any particular in our conduct on the late occasion, which in your estimation may appear culpable, or such as to call for further explanation.

But my Lord I am deeply impressed with the responsibility which the present state of Upper Canada necessarily throws upon every man connected with it— As my native Country its prosperity is necessarily to be an object of the most intense Anxiety.— Educated in the warmest attachment to the monarchical form of Government, believing it to be best adapted to secure the happiness of the people, and fully sensible that it can be maintained in Upper Canada only by means of the connexion with the Mother Country, I have always been most earnestly anxious for the continuation of that Connexion: I believe it to be now endangered. I sincerely believe the crisis to have arrived, which is to decide the ultimate destiny of Upper Canada as a dependency of the British Crown.— I feel therefore that it would be criminal in me to refuse compliance with Your Lordship's request to communicate with you in writing on the subject of the present state of that Province, and the events which have recently taken place there— At the same time I cannot but feel, that altho' there may be some advantages in this mode of communication where Principles are merely to be laid down; they are more than counterbalanced by the disadvantages attendant upon it, where principles are not only to be laid down, but discussed, and the details connected with them, and the political situation of a country in a state of high and dangerous excitement, to be enlarged upon, and disposed of.—

I shall however as clearly as I can, state to Your Lordship my view of the present state of the Province, with reference to the principle contended for in the recent memorial from the House of Assembly, to the Imperial House of Commons, and the value and importance of that principle in producing harmony among the several Branches of the Provincial Legislature, and inspiring the people with confidence in the Home and Provincial Governments and will conclude with most respectfully submitting my opinion as to the course which, with all deference for the opinion of others, it appears to me absolutely necessary should be promptly taken for preserving the connexion of that Colony with the Mother Country.—

If it is the desire of the Mother Country, which I of course assume it to be, to retain the Colony it can only be done either by force, or with the consent

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of the People of Upper Canada themselves. I take it for granted that Great Britain cannot desire to exercise a Government of the sword, and that she will therefore only govern the Canadas so long as she can do so with the concurrence of the People— For the purpose therefore of continuing the connexion upon this footing it is absolutely necessary; First—That the political machinery of the Provincial Government should be such, as shall work harmoniously within itself, without collision between any of its great wheels; And secondly, That it should be such as that the People may feel that they have an influence upon it sufficiently powerful to secure attention, not only to their abstract rights, but to their feelings and Prejudices; without regard to these you can govern no people satisfactorily or successfully— That the Constitution of Upper Canada administered upon the principles heretofore applied to it, has failed to accomplish either of these objects a very cursory view of the history of the Colony, without reference to Your Lordship's late dispatch, will sufficiently demonstrate.— It may however be well to state that the differences alluded to are of a much earlier date than appears to be generally known in this Country, or until lately to have been recollected even in the department over which Your Lordship presides. As early as in the Provincial Parliament of 1820 an opposition respectable if not formidable both in talents, and numbers existed,—some of the leading Members of which not only expressed their entire want of confidence in the Provincial Executive, but adopted the principle now contended for as a part of their political creed, and assumed it as necessarily pertaining as much to the provincial Constitution as to that of the Mother Country.— During the whole of that Parliament however the opposition were generally in a minority.— In the parliament of 1824 and in that of 1828 the Executive were uniformly in an inconsiderable minority.— In that of 1830, owing to Circumstances to which it is not worth while now to allude the Executive obtained a Majority; but in that 1834 they were again in a minority; so that taking the twelve Years from 1824 to 1836, the Provincial Executive have been in the minority for eight Years and three Parliaments, and have had a Majority only for four Years and one Parliament; during the whole of this time also the House of Assembly were constantly passing Bills which the Legislative Council as uniformly threw out. As therefore the present Constitution administered, upon the principles heretofore applied to it, has failed in both particulars, I mean in working smoothly itself or satisfying the People, it necessarily follows that something must be done to accomplish the objects desired.— To this end four remedies have been proposed; first to make the Legislative Council elective; Secondly, to abolish it; Thirdly to concede certain isolated points, which have been earnestly called for by the Representatives of the People, and fourthly, to put the Executive Council permanently upon the footing of a local Provincial Cabinet, holding the same relative position with reference to the representative of the King and the Provincial Parliament, as that on which the King's Imperial Cabinet stands with respect to the King and the Parliament of the Empire, and applying to such provincial Cabinet both with respect to their appointment to, and continuation in, office; the same principles as those which are acted upon by His Majesty with respect to the Imperial Cabinet in this Country.—

The two first remedies, if not inexpedient, I look upon as at least wholly insufficient to accomplish the objects desired:—the third, as equally insufficient of itself to do so; and the last as the only remedy by the application of which those objects can be attained and upper Canada preserved to the Mother Country—

First, the making the Legislative Council elective I look upon as inexpedient; among other reasons because I am of opinion that the institutions of every Colony ought as nearly as possible to correspond with those of the Mother Country— The Upper House of the Imperial Parliament not being

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elective I would therefore not have the Upper House of the Provincial Parliament elective unless under the pressure of an absolute necessity.— I moreover disapprove of the adoption of such a measure at all events at present,—because it is as a general principle inexpedient to make an alteration in the forms of the constitution of any Country, until the necessity for such change has been demonstrated, by putting into full and efficient operation, the existing constitution in all its details; which cannot be said to have been done with that of Upper Canada, until the Executive Council is practically converted into a provincial Cabinet for the local and internal Affairs of the Province:— Had this been done ten or twelve Years ago when the Executive first found themselves in a decided and uniform minority in the Provincial Parliament, I am satisfied that an elective legislative Council would not now have been thought of, and I am not without hopes, although they may prove fallacious, that it is not yet too late by the adoption of this principle to render such change in the constitution unnecessary. But at all events as a remedy amounting merely to the application of an English principle to the constitution as it stands, it ought yet to be tried fully and fairly, previous to resorting to the more violent measure of a legislative change in the Charter. It is but right however to inform Your Lordship that altho' my opinion of the inexpediency of such a change in the organization of the Legislative Council is concurred in by many I believe, a considerable majority of the Reformers of the Province (which every day's delay is increasing) think that such a change will ultimately be found necessary.— After the intimation contained in Your Lordship's despatch and out of regard to the opinions entertained by us, who in this point differ from them, they were however willing to drop the question of an elective Legislative Council until the Constitution as it is should have been fully and fairly tested by the application of those principles which have been found so valuable and so necessary in the successful working of that of the Mother Country;— And whatever may be the opinion entertained as to the expediency or inexpediency of making the Legislative Council elective I believe no doubt exists of such change being found wholly insufficient of itself to accomplish the two objects desired— The making the legislative Council elective might convert that body into an additional engine of hostility against the executive Government, but could never supersede the necessity for the concession of the Principle contended for.— Resistance to the concession of this Principle may drive the Reformers into Unanimity in the call for an Elective legislative Council, but it will only be as a means and not as an end— And when this state of things arrives, be assured that England will have lost the last hold upon the *Affections* of the great mass of the people of Upper Canada— That such change in the constitution of the Legislative Council would not be found to produce harmony between the three branches of the Provincial Government, will be readily admitted when it is remembered that the Collision which has produced so much evil has not been merely between the Representative Branch of the Government and the Legislative Council, but between the Representative Branch and the Executive Government; the complaint has always been of the influence of the Executive upon the Legislative Council, and not of the influence—of the Legislative Council upon the Executive Government.— It were idle therefore to expect unanimity while you leave untouched the main source of discord.

Secondly—To the proposal to abolish the Legislative Council altogether, most of the reasons against making it elective will equally apply: it may in addition be urged that a second chamber of some kind has, at least in modern constitutional legislation, been deemed essential to good Government; It has not been dispensed with in any of the new constitutions of any of the neighbouring Republics; and has I believe in more instances than one been not long since adopted as an improvement to the political machinery of Govern-

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ment where the previous constitution had contained no such provision. And moreover, the abolition of the Legislative Council has not been asked for, by any portion of the Canadian People.—

As to the third remedy proposed, that of conceding certain isolated points as they arise, and are called for; I will only say, that the whole history, not only of the Canadas but of the Colonies in general shews that such course as a means of producing permanent satisfaction and harmony, has wholly failed;—nor indeed does it appear to me to require much consideration to convince any one of the insufficiency of this as a permanent remedy.— In the first place such concessions are never made, and under the present system never will be made, until after such a prolonged struggle, that when they come, they are always felt to have been wrung from the Government, and not to have proceeded from a sense of justice or expediency of granting them.— They never remove the distrust which is felt of the Provincial Executive Government.— They leave untouched the great evil of the disadvantageous comparison which is constantly before the eyes of the people when they look at the administration of the Imperial Government, by the King and that of the Provincial Government by his representative—They see the former always so far consulting the wishes of his people as never to keep in his Councils persons who have not the confidence of their Representatives; while in the administration of their own Government they see the mere Representative of that Sovereign constantly surrounded by those very individuals, of whom sometimes with reason, and perhaps sometimes without they have become distrustful and jealous: And they very naturally ask the question, why are not our Representatives to be paid as much attention to by the King's Deputy, as the Representatives of our fellow Subjects in England by the King himself?— Astute reasonings may no doubt be framed, and fine distinctions drawn upon the subject but this is a plain common sense and practical view of it; out of which be assured it will be impossible ultimately to persuade the Yeomanry of Upper Canada— You may indeed, by strenuously insisting on the inapplicability of this principle to their situation, drive them to insist on a more extended system of elective institutions.— By refusing what no one can deny to be an English principle;—the same upon which Your Lordship, and Your Colleagues were selected to fill the high and important situations which you hold in His Majesty's Councils; the same by which you at this moment continue to retain those places,—you may indeed divert their attention to another Quarter, and drive them to call for the power of electing their own Governor, and their own Executive; but you never can persuade them to abandon the object of obtaining more influence than they now possess, through their Representatives, in the administration of the Executive Government of the Colony.—

I now come to the consideration of the fourth remedy, which consists of nothing more than having the provincial Government as far as regards the internal affairs of the Province, conducted by the Lieutenant Governor (as Representative of the paramount Authority of the Mother Country) with the advice and assistance of the Executive Council, acting as a Provincial Cabinet, and composed of Men possessed of the public confidence, whose opinions and policy would be in harmony with the opinions and policy of the Representatives of the People. This, as I have before said, I look upon not only as an efficient remedy, but as the only efficient one that can be applied to the evils under which the Province is at present suffering.—

I shall avoid troubling Your Lordship with any observations upon the construction of the Constitutional Act; because not only has the subject been already fully entered into, in the Report of the Select Committee of the House of Assembly; but I sincerely believe matters to have arrived at that point when

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it really signifies nothing whether it be or be not *required* by the Charter. The only question worth discussing is, whether it is or is not *expedient* that the principle should be applied to it: And for this purpose all that it is necessary to ascertain in the first instance is, that there is nothing in the Charter which forbids the application of such a principle. That this is the case, as it has never been denied, and as the principle in its practical application consists in fact merely in the ordinary exercise of the Royal Prerogative will, I take it for granted, be readily admitted.—The Concession of the principle therefore calls for no legislative interference;—It involves no sacrifice of any constitutional principle,—It involves no sacrifice of any branch of the Royal Prerogative,—It involves no diminution of the paramount Authority, of the Mother Country; It produces no such embarrassment to the Home Government, as in the present state of the Imperial Parliament, the attempt to grant an Elective Legislative Council would be almost certain to do:—From being an English Principle, it would strengthen the Attachment of the People to the connexion with the Mother Country; and would place the Provincial Government at the head of Public opinion, instead of occupying its present invidious position of being always in direct opposition to it.

But in addition to these Advantages, which this remedy possesses in an eminent degree over all others, that have been suggested, it would be found effectual for the purposes desired.—

Permit me to restate those objects,—they were first, that the different branches of the Provincial Government should be brought to act in harmony with each other; and secondly, that the People should feel that they had sufficient influence upon their Government to secure attention to their rights,—and respect for their feelings and prejudices: I am of opinion that this principle if fully and fairly acted upon, would affect both those objects.—An Executive Council constituted upon this principle, would from their situation as confidential advisers of the Lieutenant Governor necessarily have great influence in the House of Assembly: Their weight in the Country, as well as their confidential situation, about the person of the Lieutenant Governor, would give them great weight in the Legislative Council: And they would of course from both circumstances possess great weight with the Lieutenant Governor. They would generally if not uniformly be in one or other House of Parliament, and would there form a centre of Union, and in fact act as a sort of balance Wheel to the constitution. The measures which they brought forward, as they would necessarily have the previous sanction of the Lieutenant Governor, would come recommended on the one hand by all the weight of executive influence, and on the other by the support of those to whom the people both from habit and principle had been accustomed to look with confidence.—The people would therefore be predisposed to receive their Measures with satisfaction and confidence, as the fruit of the advice of their friends; and the Legislative Council as recommended by the servants of the Crown, whose interests as well as duty it was, to recommend nothing but what was safe, as well as satisfactory to the Public.—What was not deemed wise or prudent to adopt, instead of being suffered to pass heedlessly through the Assembly, and left to be thrown out by the Legislative Council or negated by the Veto of the Lieutenant Governor would be met in the first instance and resisted; because every step that such proposal advanced would increase the probability of ultimate embarrassment to the Executive Council, and to those whose confidence they enjoyed; who would of course be always the most powerful Party in Parliament.—Such an Executive Council would necessarily feel a moral as well as a political responsibility for the success of their Measures.—Their permanent connexion with the Country as well as a sense of duty and natural desire to retain office,

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would necessarily insure their utmost exertions, not only to procure harmony but to produce good government.— The People when they saw that the King's Representative would not retain Men in his Councils who have forfeited their confidence, would be the more careful in the exercise of the Elective Franchise, and far less likely to withdraw their confidence from those in whom they had once found reason to place it.—

That the adoption of this principle would without vesting the Election of the Executive Council in the People place in their hands such an indirect influence upon it, as would be sufficient to secure attention to their rights, feelings, and prejudices, is sufficiently evident; because if such attention were not paid by those in the confidence of the Lieutenant Governor, the people have only to return to the next Parliament, men who would not give them parliamentary support, and they would necessarily have to resign; and the Lieutenant Governor to appoint others who possessed the confidence of the Representatives of the People.— A. B and C. would go out of office, and D. E and F would come in; the Lieutenant Governor always retaining the Power of calling into Action his superintending control with respect to the measures of both the one and the other: and the effect produced upon the interests of the Mother Country, being none other than that the change would give satisfaction, and, at least most probably, insure good government in the management of the internal affairs of the Colony.—

But it will be said that even under this system, collision may arise.— The Lieutenant Governor may disapprove of the measures recommended by his Council, and find it impossible to form an Executive Council which would secure parliamentary support upon any other terms than concession; or the Executive Council may find it impossible to bring the two houses to an Understanding upon every Measure:— To which I reply, that the practical working of the principle would be sure to postpone such collision to the latest possible period: That the intermediate steps of a change of the Executive Council, and of appealing to the people by a dissolution, would at all events give the Home Government the great advantage of not itself coming in collision with the People till the last moment, and of ascertaining the exact point where the question of Concession would become one merely of expediency; in addition to which I would remark that this objection is equally applicable to the practical working of the Principle in this Country; with this great difference, that supposing the people of England to be wholly unreasonable in their demands, the Crown has in point of fact no means of resistance; whereas in the case of a Colony there is as a last resort the application of that power, which, independent of the influence which a knowledge of the possession of it, would necessarily give to the Representative of the Home Government, in the course of the previous contest, will always rest in the hands of the Parent state to be exercised when all other means fail: So that were the principle a mere experiment, to be tried now for the first time a colony would be a safer subject for such experiment than the Mother Country. With respect to collision between the two houses, such under the operation of this principle, is surely not more likely to happen in the working of the Upper Canada Constitution, than in that of the Mother Country; and the utmost that can be done by the most perfect system is to guard against the probability,—not the possibility of difficulties:— Such collision might happen even between two elective bodies, and in point of fact does happen, not only occasionally but every day under the constitution as at present acted upon; and at the worst such a case would be open to be disposed of, in the same way as a similar one in England; with this difference only, that the appointment of a batch of new legislative Counsellors, is not subject to the same difficulty that the creation of New Peerages is; and as the Seats of legislative Counsellors are not hereditary; and

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finally the ultimate resource of making the legislative Council elective; if indeed it be still found necessary to do so, will be as open to be taken as ever.—

It is objected that the concession of this principle is inconsistent with the preservation of the paramount Authority of the Mother Country. With respect to this, I would remark that it does not appear to be more so than the concession of the power of legislation; in the one case you vest the power of legislating on the internal Affairs of the Colony in a local Parliament with the consent of the King's Representative; in the other, you leave the Executive Power in the hands of the King's Representative requiring only that it should be exercised with the advice of persons named by himself but possessed of weight and influence with the people whose local Affairs, he is deputed to administer.—

It is objected, that it would interfere with the patronage of the Lieutenant Governor; this also appears to me to be an error; the power of appointment to office would remain in the Lieutenant Governor as at present. The right of advising is all that is claimed for the Executive Council: If such be considered an interference, it is such as can be exercised, alone to prevent mischief. But suppose that it actually deprived the Lieutenant Governor of every vestige of patronage; the simple question is, is the patronage in the hands of the Lieutenant Governor the great object for which England desires to retain Upper Canada. If this be, indeed the chief or only object, let it be candidly avowed: I will only remark that the People have been hitherto induced to believe that the Home Government were actuated by other and loftier motives.—

It is objected that it would lessen the responsibility of the Lieutenant Governor to the Home Government: this is a mistake, every Act of the Provincial Government would be the Act of the Lieutenant Governor requiring his full consent quite as much as at present.— How would he be less responsible then to the King and Parliament of the Empire because he acted upon the advice of those who had the confidence of the People? The Lieutenant Governor is the connecting link between the Government of the two Countries.—You cannot make him responsible to the People of the Province, such would be wholly inconsistent with the respect due to the Sovereign whom he represented, and fatal to the connexion between the two Countries.— The proper place for his responsibility to rest is, in England.— But you must give the people such an influence upon their Executive Government as will prevent the constant jealousy to which it is at present exposed.— You can do so only either by permitting a direct influence, by vesting the election in the hands of the people, which I look upon as inexpedient and unsafe; or you must give them that indirect influence, which they see constantly exercised by their fellow subjects through their Representatives in this Country.

With respect to the objection, that the application of this principle would lead to the Executive Council falling into the hands of a few metropolitan families, I would remark that it seems much less likely to have that effect than the present system; and that if it had, it would be an evil for which the people would have to blame themselves only; and therefore not one, which could be attributed to the Home Government or their Representative the Lieutenant Governor, and above all, one the remedy for which would be in their own hands.— The same may be said as to the rather inconsistent objections, that it would lead to too many changes, and that there are not persons enough in the Province qualified to fill the office of Executive Counsellors:

But it is pretended that the People of Upper Canada are opposed to having this indirect influence upon the Executive in the hands of their Representatives— Premising that the real Value and importance of the principle itself cannot depend either upon what the People really think upon the subject, or

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what they may, by violence and misrepresentation, be persuaded to afford reasons for supposing that they think;— I proceed to remark that the proposition appears absurd on the face of it: It is like an attempt to make one believe that a thirsty man has an objection to receive Water, or a hungry man food. But what is the fact? As I have already stated this is no new principle brought forward for the first time on the present occasion. It has been before the people more or less prominently since 1820— In 1828 or 1829 it was introduced into the Address in reply to the speech from the throne, and continued to be so, except during the Parliament of 1830, in which the Administration had a Majority; and of course when the Executive are in the Majority is not the time for the practical application of the principle: But in 1835 it was made the subject of solemn appeal to the Home Government in an address to the King passed by a majority of twenty one Votes, in which His Majesty was informed that until the principle was acted upon it could not be expected that the Administration would give satisfaction, or that there would be any real or permanent harmony between the Government and the Representatives of the people. The Addresses presented to Sir Francis Head since the Prorogation of the last Parliament are depended upon, as shewing that the People are opposed to the concession of this principle. If such really be the opinion of the people, it is to say the least of it somewhat remarkable, that no expression of that opinion took place after the close of the Session of 1835; although in the very address to which I have referred the Assembly intimated their intention of withholding the Supplies if their voice was not heard; that even after the resignation of the late Executive Council, a resolution declaring it to be the opinion of the House of Assembly that the Appointment of a responsible Executive Council “to advise the Lieutenant Governor on the Affairs of the Province was one of the most happy and wise features in the Constitution, and essential to our form of Government”,—was adopted with but two dissenting voices out of a House of fifty five members; and that it was not until some time afterwards, that exertions began to be made to excite even the Tory Party against the late Council, and all who thought with them. This is not the first time that a Colonial Lieutenant Governor has had resort to adulatory Addresses in order to give a coloring to his Proceedings, in reporting them to the Home Government the ease with which such Addresses can be procured—is either not known or never considered. The Addresses to Sir Peregrine Maitland in 1827—8 were not less violent in their language against the Majority of the then Assembly than have been both the Addresses and Replies on the present occasion, and yet the general election which followed left the Executive Government in a Minority as small, if not smaller, than in the preceding Parliament:—

But should Sir Francis Head by violence and intimidation unhappily succeed in procuring a Majority in the next Provincial Parliament, do not suppose my Lord that there will be less necessity for the application of the principle; new difficulties will daily spring up, and when once the delusion under which the popular mind has been acted upon has passed away, it will return with double pertinacity not I fear merely to the principle now asked for, but to Changes of a more extensive and organic character; Time I am persuaded, will convince Your Lordship of this; I tremble lest the Conviction should arrive too late to prevent the consequences which I deprecate.—

To conclude my Lord, I most earnestly recommend not only as *expedient*, but *necessary* for the preservation of the Connexion between this Country and Upper Canada:—First, That His Majesty's Imperial Government should at once adopt the final determination, that the Provincial Government as far as respects the internal Affairs of the Province, should be conducted by the

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Lieutenant Governor, with the Advice and Assistance of the Executive Council, acting as a Provincial Cabinet;— And that the same Principle on which His Majesty's Cabinet in this Country is composed, should be applied and acted upon in the formation, continuance in office and removal, of such local Provincial Cabinet:— Secondly that this Resolution of the Home Government should be inserted in the shape of a Specific Clause in the general Royal Instructions for the Government of the Province, and formally communicated to both houses of the Provincial Parliament; And Thirdly—That Sir Francis Head should be recalled, and a Successor appointed who shall have been practically acquainted with the working of the Machinery of a free Representative Government.—

I have now stated to Your Lordship, briefly my views and opinions, and I am ready to afford any further explanations that Your Lordship may desire, I may of course be mistaken in both, but I assure Your Lordship that I am in my own mind most firmly persuaded, that unless the course above recommended is promptly adopted, and pursued, it will be wholly out of the power of the Mother Country to preserve the affections of the Upper Canadian People, although she may of course for a time continue to retain them in subjection to her Authority.—

I have the honor to be,
My Lord,
Your Lordship's Most obedient
humble Servant,

ROBT. BALDWIN

Right Honble.

LORD GLENELG

His Majesty's Principal Secy of
State for the Colonies
&c &c &c

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Private

LORD HOWICK'S APPRECIATION OF DURHAM'S REPORT

WAR OFFICE
Feb 7/39

MY DEAR LAMBTON

I have read very carefully your report & I like it very much.—It strongly confirms the opinns. I previously entertained as to the state of things in the North American colonies, & as to the policy which ought to have been adopted towards them, while it supplies many particular facts & details of which I was not before aware & which are exceedingly valuable as completing & on some minor points correcting the impression I had before received which it shews in general to have been accurate.—

Your scheme for the future government of these colonies in its general principle tallies very much with my views upon the subject, but there appear to me to be some very serious difficulties as to the means of bringg. about the result you wish to accomplish, & some explanatns. of the plan itself which are requisite in order completely to understand it.

I. In the first place supposing the general union of all the Provinces to be effected, how do you mean to provide for the difficulties which might arise with respect to the differences which must exist in the laws of the various provinces. —I take it these different legislatures must have proceeded very variously in dealing with various matters of civil & criminal legislatn. & that consequently the wants of the provinces for the future improvement of these laws must also be very different, & wd. it not be found practically exceedingly difficult for the United Legislature to deal with all the local questns. of this sort which wd. arise? In short are not the subjects on which these provinces have a common interest limited to the following 1st Laws relating to trade including banks & the impositt. of duties for raising a customs' revenue—2d Post office arrangements & great lines of internal communicatn.—3d The establishment of a common appeal judicature—4th A common militia.— If these are the only subjects of common interest wd. not they be better entrusted to a Federal than a common Legislative Assembly, & wd. there not remain many subjects of internal & local regulatn. affecting the several provinces which cd. hardly be disposed of by the municipalities you propose to establish or yet by the General Legislature without very great inconvenience.

II. It is stated & very properly to be an essential part of the plan to get rid of the jobbing which has taken place in granting money for local objects.— No one can doubt the importance of this reform, but will it be practicable to attempt to effect it by putting an end to all grants from the general revenue for local improvements? Are there not works of very great importance as roads, railroads, & canals which cannot possibly be executed by local assessments, & is it not one of the advantages enjoyed by the states of the Union which excites most envy in our colonies that by their system of Govt. they can undertake improvements of this sort which in the British possessns. are not attempted? I am not quite sure that I rightly understand the scheme upon this point, what I conceive to be meant is that all minor works such as ordinary roads & bridges shd. be executed by local assessment, which the great works in the success of which the whole of the provinces wd. be interested shd. be carried on by means of grants recommended by the Govr. to the United Legislature. If I am right

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in thus understanding the plan, would there not be one important class of works for which no sufficient provisn. wd. be made, those namely which wd. be of too great importance to be effected by the municipal bodies but which at the same time would only be of importance to particular provinces.— For instance a canal or a rail road in Nova Scotia not forming part of the general line of communicn. between the Provinces wd. be a subject of very trifling interest in Upper Canada, though it could not be undertaken by any combinatn. of the mere municipal authorities of the individual Province.— When the immense extent of the territory forming these provinces is considered & their great distance from each other it appears to me scarcely possible that the two authorities of a central legislature & local municipal bodies shd. answer all the purposes which wd. require to be attended to.— I fear such a system wd. lead to the vices of the local legislatn. of this country which is so notoriously defective, & that the want of a 3d & intermediate authority formed of the existing Provincial Legislatures shorn of all those powers which cd. be conveniently transferred to the central body wd. be greatly felt.— In the Union such an intermediate authority is found necessary & is supplied by the State Legislatures which fill up the vacancy between the Congress & the municipal bodies.—

III. Supposing the general Legislative Union to be accomplished wd. not great danger result from the possible discontent of some of the Provinces from their exclusion from a fair share of patronage & power? Admitting most fully the importance & justice of the views contained in the report as to the necessity of opening a career for the ambition of the inhabitants of our colonies & of maintaining a community of views between the executive authorities & the people, might it not (& wd. it not probably) happen that with a single Legislature & single Executive Nova Scotia or Prince Edward's island might be permanently kept under authorities they did not approve of?

IV. Supposing the scheme in all its details to be satisfactorily arranged would there not be great difficulty in carrying it into immediate effect by an act of Parlt. even though that act shd. apply only to the two Canadas? If I am not mistaken there exists considerable difference of opin. in Upper Canada upon the subject of a Legislative Union with the other Province, all those who are interested in preserving the importance of Toronto as a capital may be expected to be adverse to the scheme, & there may be other local interests which wd. also be affected.— But more than this wd. it be consistent with the opinns. in favour of the colonists being allowed to manage their own internal affairs which are so strongly insisted upon in the report to proceed without communicn. with the inhabitants or knowing their wishes to settle the whole form of their future government & to make the most important changes in their existing institutns?

Again as regards Lower Canada the difficulty of having electns. in the rebellious districts might be obviated in the manner proposed, but are there not many other powers enjoyed by the people in a constitutional Govt. which cd. not safely be exercised in this Province? If one form of Govt. were at once adopted for the two Provinces, juries for instance must be reestablished in L. Canada & the effect of this mode of trial is well stated in the report.— Upon the whole therefore it seems to me that it wd. be a dangerous experiment to proceed at once by Act of Parlt. to effect the Union of the two Provinces & the reform of their system of Govt. in the manner proposed, & I wd. suggest that the object in view might be better accomplished by creating some representative authority in the Province for the express purpose of considering how the Union shd. be accomplished.—

A conventn. shd. be summoned to meet at Montreal of deputies from both Provinces, those from Upper Canada to be elected by the districts, those from

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the Lower to be also elected except in the parts of the country which have been disturbed where they shd. be named by the Govr.— To this body Parlt. shd. entrust the power of making such alteratns. in the act of 1791 as it shd. think fit & under this general power it shd. settle the terms of the future Union whether Legislative or Federal & dispose of various questns. which there wd. be immense difficulty in dealing with directly in this country, among others that of the Legislative Council & of the Clergy Reserves.—

In the mean time power shd. be given to the Govr. & Special council of L. Canada of passing permanent laws subject to the restrictn. of these laws not coming into force until they shd. have been confirmed by the Queen in Council after having been laid before both houses of Parlt.— Under this power an efficient Govr. acquainted with the principles of modern legislatn. shd. forthwith proceed to the task of amending the laws of L. Canada respecting the tenure of landed property, the constitutn. of parishes & counties, the administratn. of justice &c &c.— By these reforms a good foundatn. wd. be laid for the future system of Government by a United Legislature.—

I have written this letter very hurriedly & amidst continual interruptns. but it will serve to convey to you my general ideas on reading your report, & as you said you wd. discuss it with me & give me any explanatns. in your power I was anxious that you shd. with as little delay as possible know what appeared to me the principal difficulties in order that if you will let me I may come to you some day & talk over the subject.— I think that when we do so we shall be able to agree very much as to what ought to be done as I entirely concur with you in your leading notions of allowing to the colonists the most complete self Govt. upon matters of mere internal regulatn. & local interest, & of binding the different provinces together by the closest & strongest ties which it may be practicable to establish.—

Believe me Yrs. Affectely.

HOWICK.

SKETCH OF LORD DURHAM'S MISSION TO CANADA IN 1838.

WRITTEN BY MR. CHARLES BULLER, IN 1840.

A COMPLETE history of Lord Durham's mission to Canada would be a work requiring much research respecting a long chain of preceding and a great variety of contemporaneous events. Nor is the time yet come for giving such a history with the minuteness and accuracy which I should desire. Time must yet elapse before we shall be able sufficiently to develop much of the secret motives and acts of the parties concerned. Nor are the general bearings and results of what then occurred become yet sufficiently apparent for the world in general to appreciate in their full extent the magnitude and usefulness of the measures then adopted. It is still matter of interest, of pique, or of a false point of honour with great parties and powerful individuals to refuse to the memory of Lord Durham that justice which could not be granted without condemning their conduct, or stripping them of the credit which they wish most unjustly to arrogate to themselves. We, whose first purpose must be to secure him justice, have however but to wait till time shall attain for us the object which we have at heart. True and lasting fame must almost always be earned as much by patience as by merit. And sure may we be that if our estimate of Lord Durham's policy and acts during this mission be correct, the results will unfold themselves in such a manner as to force even the most inattentive or prejudiced to view them aright. The interests, and the passions too, that have hitherto thwarted our endeavours to obtain justice will in the same manner be dispelled by mere lapse of time; and it will probably not be long ere some of the very parties and individuals that have hitherto fancied it their interest to decry Lord Durham will find policy as well as justice inducing them to vindicate for him the honour which others seem inclined to usurp. My purpose in writing this sketch of the mission to Canada is to give a succinct view of the state of affairs with which Lord Durham had to deal; of the incidents which occurred during his government; of the steps that he took in order to overcome the immediate difficulties which he had to encounter; and of the plans, by which he purposed to put the government of the North American Colonies on a footing of permanent tranquillity, freedom, and progress.

My personal acquaintance with Lord Durham only commenced in the summer of 1837, on his return from Russia; and I had seen very little of him at the time when the Bill for the temporary government of Canada was brought into Parliament. Absolute as the necessity of some such measure was, it would have been very difficult to get the assent of all parties to the establishment of such a power in the hands of any other individual than Lord Durham. So high did he stand in the estimation of all parties that the Tories were obliged to be as unanimous in their acquiescence as the Liberals of every shade were in their loud approval. His memorable speech in the House of Lords on the night that the measure was first announced in it, increased the feeling of confidence in him. Such an occasion admitted indeed of no display of reasoning or information; but Lord Durham's short speech showed that he was actuated by a firm determination and a spirit of most impartial justice; it marked a deep sense of the heavy responsibility which he had taken on himself; and it breathed a chivalrous reliance on the cordial support of friends, and the generous forbearance of opponents, that made both of them affect a show of such feelings and led the public to believe that they entertained them. This was most unfortunate for Lord Durham, for it led him to expect cordial support and generous for-

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bearance where prudence would have induced to count on one as little as the other, and thus have spared him the pain of the double disappointment which he afterwards experienced.

It was a day or two after this speech that Lord Durham, while sitting under the gallery of the House of Commons, desired me to call on him the next morning. Anticipating the purpose for which he desired to see me, and having had a good deal of discussion on the subject with my own family, I went to the interview having made up my mind not to accept of any offer of going out to Canada. Lord Durham made me the proposal in very flattering terms, and with much kindness. I was not very easily induced to change my resolution, but he desired me to take a little time for consideration ere I gave my final answer; and the result of reconsideration and of consultation with friends was that the next morning I accepted the offer.

I wish that it had so happened that at the period of my thus undertaking to serve under Lord Durham our acquaintance had been of longer standing, and that I had been on those terms of perfect confidence with him to which I very soon attained. For though nothing could be more uniformly kind than Lord Durham was to me from the first, tho' he was not long in giving me his confidence, and when he gave it, gave it as he always did, without reserve, yet the mere awkwardness arising from imperfect personal acquaintance is enough in any case for some time to prevent a sufficiently free communication between two people. Had we at the outset been on the terms on which we got in a very few weeks, I think I might have enabled Lord Durham to avoid what always struck me at the time and has, I think, since proved to have been an error most injurious to the success of the mission. This was the delay that occurred before we entered upon it; and though the season of the year placed some difficulties in the way of our going to Quebec in the mode that appeared most desirable, I think that Lord Durham's first object should have been that of commencing his work with promptitude. The delay took off the bloom of the Mission; the insurrection was to all appearance wholly suppressed before we started; the danger began to be thought less urgent; and the general impression of the necessity for great powers and unusual measures was gradually weakened. We soon felt the effect of this, for as the first alarm so the first unanimity wore off, and the Tories, as they recovered spirits, began to find all manner of faults with the Mission, and to circulate a variety of falsehoods, to draw invidious comparisons between Lord Durham and Sir John Colborne, and to depreciate the moral effect of the powers of the new Governor-General.

This altered state of feeling soon began to show itself in the Press, and in Parliament we had a very unpleasant indication of it in the very near success of Lord Chandos's motion respecting the expenses of the Mission. Soon after that difficulties began to be experienced with respect to the appointment of Mr. Turton; and the opposition to Lord Durham here commenced on the part of supporters and members of the Government. It is impossible now not to regret an appointment, which was the occasion of so much subsequent annoyance and evil. Useful as Mr. Turton's legal knowledge and abilities were, and creditable to Lord Durham as was his eagerness to avail himself of the opportunity afforded him of serving an old and unfortunate friend by the suggestion of giving him the appointment, which was made to him by Mr. Stanley, and urged on him by Sir John Hobhouse, yet it cannot but be regretted that the appointment was ever made, and still more so that after the difficulties, which prevented its being sanctioned by the Colonial Office, Mr. Turton should have been taken out without the written approval of the Ministers. But there was the very clearest understanding respecting the terms on which Mr. Turton was to go out. It was distinctly arranged between them and Lord Durham

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that though the appointment was not to be made by Ministers or in England, Mr. Turton was to go out with us, it being left to Lord Durham to appoint him to office on his own responsibility after our arrival in Canada. Lord Durham, confiding in the promised forbearance of the Tories and the cordial support of Ministers, left the matter on this footing of clear but unwritten understanding. Unhappily we had none of us then learned how necessary it was to distrust both.

It is painful now to recall the circumstances of our embarkation in the *Hastings*. I had got on board about an hour before Lord Durham came, and, having found everything in my cabin in utter confusion, I had been exerting myself so busily in seeing things arranged as well as possible that every melancholy thought naturally excited by leaving England had been for the moment completely put out of my mind. I had just got over my difficulties, when the steamer bringing Lord Durham and his family came alongside. All the parade of naval reception was of course exhibited on the occasion; the marines were drawn up, and the Officers, with the captain at their head, were on the deck, when Lord Durham, who had been very ill the night before, came looking very pale, and wrapped up in a large cloak, with Lady Durham and his children around him. Painful thoughts arose within me at the sight of a man so distinguished leaving his country with his whole family for what, though an honourable, was still a painful exile, and a duty of arduous responsibility; and when on a sudden the band struck up its loud and slow strain, the sudden excitement brought the tears at once into my eyes. I did not long indulge these feelings, I thought that this was but a passing and necessary trial attendant on the outset of a career of high utility and honor, of which the first glory would be the pacification of Canada, and the ultimate reward would be renown, power, and happiness at home. But the foreboding of the first moment was unfortunately more prophetic than my calmer afterthought!

In one respect we did most certainly merit success: for never I believe, did men embark in any public undertaking with more singleness and honesty of purpose. During the long period of our voyage out we read over all the public documents connected with the subject of our Mission, and the Dispatches, Instructions, and other papers with which the Colonial Office had supplied us; and very fully did we discuss all the various and difficult questions which it appeared to us that we should have to solve. We had, I must again say, very little thought of ourselves, and a very absorbing desire so to perform our task as to promote the best interests both of Canada and of Great Britain. And I think I may also say that we had very few prejudices to mislead us. I used indeed then to think that Lord Durham had too strong a feeling against the French Canadians on account of their recent insurrection. I looked on that insurrection as having been provoked by the long injustice, and invited by the deplorable imbecility of our Colonial policy; and I thought that our real sympathies ought to be with a people whose ultimate purposes were right, though by the misconduct of others they had been driven into rebellion. But Lord Durham from the first took a far sounder view of the matter: he saw what narrow and mischievous spirit lurked at the bottom of all the acts of the French Canadians; and while he was prepared to do the individuals full justice, and justice with mercy, he had made up his mind that no quarter should be shewn to the absurd pretensions of race, and that he must throw himself on the support of the British feelings, and aim at making Canada thoroughly British.

It was not, however, only these questions, paramount as they of course were to all others, that formed the subject of our many and long conversations in the *Hastings*; and I look back with satisfaction to the interesting views which Lord Durham often gave me of the great questions of European policy,

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and of the important events, in which he had borne so great a part. Many a stirring scene of old political conflicts did he recount, and many a secret history did he give, which explained the nature and causes of some of the great political movements of our time.

In spite, however, of all our occupations we got somewhat tired of our voyage before the first land on the American Continent met our eyes. An ungenial aspect did our new home present to us as we lay for two or three days beating about at the mouth of the St. Lawrence, now looking at the long low desert island of Anticosti, now borne close to the unpeopled forests of Gaspé, and now catching a glimpse of the icy rocks of Labrador glittering in the far distance. Here, however, we received a file of Quebec papers, that gave us some insight into what was passing in Lower Canada. Nor was the information by any means assuring. The French Canadians, it is true, appeared to be making no movement; but for this very reason it seemed to be generally apprehended that they were preparing their forces for some new attempt. The people of the United States were represented as universally fomenting and aiding the designs of the disaffected, and as hardly to be restrained from breaking out into open hostility. Amid all these dangers the British population of Lower Canada was evidently torn in pieces by numerous and furious dissensions. A very violent party, while it called for war with the United States, and for the harshest measures against the French Canadians, kept no terms with its own government, and denounced both Local and Imperial authorities in the most unmeasured terms. We learned that a few days before, in anticipation of our arrival, a meeting of the British population had taken place at Quebec. At this the violent party appeared to have carried the day; various speakers had used language expressive of very little confidence in the Governor-General, and an address had been adopted which, though it contained nothing positively offensive, showed the bad spirit that animated those who had assumed the lead of what was called the British party. This intelligence, disagreeable as it was, proved nevertheless of use, because it prepared Lord Durham beforehand for the kind of feeling and language which he was to meet with on landing. And during the two or three days that elapsed before our arrival at Quebec he prepared the proclamation to the Inhabitants of British North America which he published on disembarking.

It is not my business here to narrate with minuteness every little incident that occurred, or to recall the various scenes of our Mission as they passed before our eyes. But I cannot look back without emotion at the bright and cheerful day on which we arrived at Quebec. When we got on deck in the morning we found the river considerably narrowed from its width of the previous day; the high mountains, which then seemed to overhang us, were now seen at a distance in the background, and between them and the river there extended on each side a long line of well cultivated and apparently densely-peopled country, which presented to our view what looked almost like a long street of white cottages and farm-buildings. It was one of the first fine days of the late spring of that country; the snow was off the ground, and the first signs of incipient vegetation were visible in the fields which lay close to us on each side as, with wind and tide in our favour, we advanced with great rapidity up the river. It was Sunday, and as at every two or three miles we passed a village church on one side or the other, the whole population seemed to be collected on either shore to watch the progress of their new Governor.

At last over a reach of the river we saw the black line of the ramparts of Québec, and the tin roofs of the city glittering in the sun; and, having passed through the noble basin, which stretches before the Town, we found ourselves amid a whole fleet of men-of-war, beneath the very guns of the magnificent fortress. Our landing did not take place for a couple of days, but from the

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moment of our arrival in the harbour we received the visits of the various authorities and public Officers of the Province.

At the very moment of landing, and taking upon himself the government, it became necessary for Lord Durham to resolve upon a very important and bold step. For it was usual for the new Governor immediately after having taken the Oaths of Office, to proceed to swear in those of whom he intended to form his Executive Council, and the custom had been for every new Governor to continue the Council of his predecessor. This, however, Lord Durham had made up his mind not to do, and subsequent reflection has only more and more convinced me that this was the wisest course of conduct which he could have pursued. The strange system of colonial government, by which every person once in office was held in practice to be for ever irremovable, had had the effect of filling the Executive Council with some of the oldest men of every clique that had in succession ruled the Province. Many of these either happened to have been subordinate members of their party, or to have been selected simply because they were attached to no party, and being men of little strength of character, or position in public life, were likely to be very docile agents of the one or two persons who really managed the government. No one of them possessed the confidence of the British population. The only one who, from his talents and previous career, formed an exception to the general nullity which I have described, was Mr. Debartzch, one of the ablest and most active of the French Canadians. He had been recently placed in the Council by Lord Gosford. This man, however, was, more than any other man in the province, obnoxious to the British population, on account of his very talents, on account of the formidable use which he had made of these talents, when as a coadjutor of Papineau, he had been one of the leaders of the French, and yet more on account of the influence which he had exercised over Lord Gosford, who was supposed to have been entirely guided by his advice in that whole course of policy which was so universally and vehemently condemned by the British. He was not less odious to the French, who reproached him as a renegade from his party and his race, and who ascribed to him those coercive measures which they represented as having provoked the insurrection. All the component parts of the Executive Council were in truth generally obnoxious and destitute of moral influence. Lord Durham did quite wisely in keeping clear of them, and in letting the public see that he did so. He resolved at once not to retain the Executive Council, but to form a new one, which might discharge the mere acts of routine to which the Constitutional Act required the assent of an Executive Council, composing it of persons who had either come with him from England, or who had previously taken little part in the politics of the Province. Accordingly he determined at the outset to compose his council of his three Secretaries, together with the Commisary General, and Mr. Daly, the Provincial Secretary, whom Sir John Colborne had recommended as the most unexceptionable of the public officers of the province. This determination shocked the prejudices of the old official body, and not only was it the subject of warm remonstrances beforehand, but on the occasion of the investiture, the Clerk of the Council, though apprised of Lord Durham's intention, attempted to surprise him into swearing in the whole Council as a matter of course. But this attempt Lord Durham checked very decisively, and the same day he put into my hands the draft of a letter, in which I was to inform the Executive Councillors of his determination, and of the grounds on which he had formed it. This document was taken as the programme of a new system of administering the government free of the influence of these local cabals, which were odious to the whole province. The act of dispensing with the old Executive Council, and the statement of the grounds on which it was done, were not unpalatable

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to the British, and very gratifying to the French Canadians. 'Il a fait déjà une bonne chose,' said an old inhabitant at Montreal to Mr. Viger, who asked him what he thought of the Governor-General; 'il a tué les deux Conseils.'

This measure has, however, been blamed as if Lord Durham had thereby voluntarily deprived himself of the valuable advice of all the persons best acquainted with the mysteries of provincial government, and of the moral influence of their character and experience. The value of their individual advice and influence I have already shown. It must not be supposed, however, that Lord Durham was insensible to the necessity of local experience and wise advisers. But the truth was that from its official ranks the province could supply him with no advisers on whom he could safely rely. With the exception of Mr. Daly, every one of the body had been so mixed up with the ancient and odious system of exclusive government and jobbing—had rendered himself so obnoxious to one party or the other, or more often to all—and had contracted such violent antipathies, that it would have been most imprudent to trust to their representations and advice. We found the whole machine of government utterly disorganized and powerless. The Official body, as the head of whom we might still regard Mr. Sewell, the Chief Justice of the province, was a class perfectly apart from every other, possessing the confidence neither of French nor of British, and exercising not the slightest influence over the public mind. The Chief Justice had for some years ceased to play an important part in politics, and at the period of our arrival his age had wholly unfitted him for active exertions. Of the younger members of the official body none had at all exhibited talents so remarkable as his, or could be relied upon as an impartial or capable adviser of the Government. The Attorney-General, Mr. Ogden, whose office was really the most important in the Province, though a much more kindly disposed and honest man than my previous notions had led me to expect that I should find him, was, after all, endowed with so little political knowledge or capacity that it was impossible for Lord Durham to place any reliance in his advice. Our official advisers were, in fact, men of little capacity and great unpopularity. Lord Durham could have gained little from their counsels except the contagion of their party antipathies and the odium of being supposed to be under their influence.

When we came to look around us, and endeavoured to judge of the feelings and situation of the different classes of the population, it appeared at first sight utterly impossible to ascertain the truth about either. The great mass of the population of Lower Canada—those of the French race—appeared to be placed utterly beyond the reach of any communication with the Government. There could, however, be no doubt that this whole population was thoroughly disaffected to the British Government; that it remained brooding over the memory of its late defeat and the annihilation of its recent predominance; and that it cherished the hope of avenging its imagined wrongs and triumphing over its rulers by means of more combined insurrection and the aid of foreign arms. The greater part of its ancient leaders were fugitives or prisoners; of the few who remained in Canada some were too timid, some too full of resentment, to take any open part in politics; and some, whom we had imagined to possess great influence, appeared to have become objects of suspicion to their countrymen. The Catholic clergy in the diocese of Quebec, under a good and quiet bishop, were loyal and well disposed; those of the diocese of Montreal, under the influence of their bishop, Lartigue, were supposed in many instances not to be very well affected. But the priesthood had in great measure lost their influence, and though we made use of them at first as a means of formal communication with their parishioners, and though they sometimes gave us useful private information, they supplied us with no channel of efficient intercourse with the French.

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With the mass of that body the Government could, in fact, get into no confidential communication. Their desires, as far as they could be ascertained, seemed to be wild and impracticable. All demanded, and perhaps the greater part really expected, that the new Government would attempt to conciliate them by placing things just in the position in which they had been before the insurrection, that Lord Durham would re-establish the Constitution which Parliament had suspended, bring back the Local Assembly with its French majority, grant a complete amnesty to the insurgent leaders, and trust them with all the powers that they had been used to demand during the period of their greatest influence and most exaggerated pretensions. Some hopes of a more reasonable kind, a few of the leaders of the party appear to have entertained from the known liberal views of Lord Durham. But the language of their addresses was constrained and cold; in some cases it was such that Lord Durham felt compelled to check their extravagant demands, and the great body of them immediately relapsed into their sullen and distant apathy.

The leaders of the British party, who were for the most part leading merchants in Montreal, with one or two of the same class in Quebec, were the men who had for some time, through their influence in the Legislative, and subsequently in Sir John Colborne's Special Council, exercised a great influence over the Government of the Province, and were little pleased at the change of circumstances, which partly by the necessary consequences of the suspension of the Constitution, and partly by Lord Durham's own policy, had excluded them from all direct share in the Government. These men, however, had too much tact voluntarily to place themselves in open collision with the Governor-General. The mass of the British population, however, heated by the fierce conflict of the two races, were after all in the main actuated by very laudable purposes. Their main object was the tranquillity and improvement of the Province, whereby they hoped that their own industrial occupations might be rendered more secure and profitable.

The subversion of the French ascendancy had gone far to satisfy most of them, and the appointment of Lord Durham to exercise the vast powers vested in the Governor-General had been popular with the great mass of them, because from his liberal opinions and known energy of character they expected that speedy and extensive reforms would be made in the obnoxious institutions of the Province, and a great impulse given to its internal improvement. The leaders, seeing this tendency among them, had gone with them in it: the cold and repulsive spirit of the meeting at Quebec had found very few imitators in the Province; the addresses of the British were general and warm, and the deputations that presented them were numerous and friendly, and Lord Durham improved their good dispositions by the reception which he gave them. All his answers to their addresses shewed how skilfully he had divined the true mode of acquiring their confidence. He appealed boldly and strongly to the feelings which he knew to animate the British population. He spoke always of the greatness of the Mother Country and of the importance and wonderful capabilities of the colony, and, appealing to them to use every effort to improve its resources, promised them an efficient co-operation on his own part and that of the Imperial Government. By these means he speedily excited among them an enthusiasm and attachment such as no Governor before or since ever aroused. The splendour of his establishment, which had been the theme of ridicule among superficial observers at home, had a great effect on the minds of the British Colonists. The civilities, which no one could apply with such grace, because with such dignity, went a great way in conciliating the leaders, who were thus flattered with the belief that if they had lost some power, they had lost none of that consideration which, after all, is what vulgar minds look on as the best part of power. In a very short time

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Lord Durham had by these means completely gained the confidence of almost the whole British population. They looked forward with the fullest expectation of finding his measures in accordance with the feelings that he had charmed them by expressing. Our main difficulty with them arose from their wish to push their victory over their opponents further than good feeling or good policy would permit. This was the sure consequence of a dangerous and protracted conflict, and the British wished not only to disable the French so as to prevent their future aggressions, but also to wreak their revenge upon them under the forms of law.

But the state of the Lower Province was not the only subject of difficulty and anxiety. The accounts which we received from Upper Canada were from the first most alarming. The cause of the dissensions and disorders there it was not easy to understand. But it was clear that there had been very extensive and violent disaffection. It was also clear that the dominant party there had taken advantage of the recent insurrection to exercise the greatest severity towards their opponents. This had only increased the discontents, and if the tendency to actual revolt had been checked, the number of persons seriously dissatisfied with the Government was at this time far greater than it had been before the insurrection. The Governor, Sir George Arthur, a very weak and timid man, seemed to be divided between his deference for the conciliatory policy dictated by Lord Glenelg and his subservience to the violent counsels of the Family Compact, under whose influence he had completely fallen. From our first landing he sent us the most alarming accounts, one after the other, of the insurrectionary spirit of the Upper Province, and of the formidable plans as well of the refugees, who hung on its frontiers, as of the whole border population of the United States. And before the end of the month his alarms, though exaggerated, received some confirmation from the invasion and outbreak which took place under Morrow, Chandler, and others at the Short Hills in the Niagara District.

But there was quite enough in the state of our relations with the United States to inspire the boldest and calmest mind with deep apprehensions. The Canadian refugees collected along the frontier from New Hampshire to Michigan, rendered desperate by their exile and the ruin of all their prospects in life, were everywhere preparing a threatening invasion, and doing almost as much mischief to the peaceable inhabitants of the Canadas by the alarms which they thus kept up, as could have resulted from actual incursions. They kept the appearance if not the reality of an incessant correspondence with disaffected persons on our side of the frontier, and they seemed to have the support also of a general and active sympathy on the other side. It was impossible to ascertain what proportion or what class of the American public were prepared to aid the fugitives. But the lawless and wild race that peopled the frontiers, especially the shores of the Great Lakes, were evidently eager for some desperate enterprise of plunder or conquest, and these alone, in the circumstances of that time, and on that defenceless and extended line, were a formidable support to internal disaffection. At public meetings, too, the hostile language of the refugees and their less reputable associates seemed to be countenanced by persons of character and property, who might be supposed to be under the influence of political fanaticism or national antipathy. This open violence was supposed to be abetted by wealthy men who were disposed to speculate on the chances of war, and the profits of a conquest of Canada. The strong and general opinion of the respectable citizens doubtless discountenanced this aggressive spirit. But even among these there existed much sympathy with colonists supposed to be struggling against that tyranny of the Mother Country, which had driven the forefathers of the American people into revolt. Some remains of old national antipathy to Great Britain yet appeared to exist, and the insolent language in

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which not merely reckless individuals but even some of the authorities in Canada, especially Sir Francis Head, had denounced the people and institutions of the United States had greatly incensed many of them. A large section of the newspaper press supported the refugees and their allies, and each of the great political parties in the Union seemed occasionally disposed to recruit partisans by assuming a warlike tone towards Great Britain. It was asserted that the Government of Washington was not guiltless of encouraging these feelings, and of conniving at the most unjustifiable enterprises against the British Colonies; and it was quite clear that the Federal Executive, even if so disposed, was not very capable of putting a stop to them with sufficient decision. These evils, great in reality, were magnified tenfold by the rumours designedly spread by the many, who on each side of the frontier found their account in fomenting disturbance and alarm.

It was only three or four days after our landing that these alarms were brought to a head by the news of the burning of the *Sir Robert Peel*, a British steamer, in the American waters of the St. Lawrence by a desperate smuggler known by the name of 'Bill Johnson', who had long haunted the Thousand Isles, and now appeared resolved to carry on his marauding trade under colour of Canadian 'Patriotism'. The alarm excited by this desperado's force or designs was, however, light in comparison with that occasioned by the chances of collision with the United States, which this outrage prevented. Immediately afterwards this alarm was increased by intelligence of another violation of the pacific relations of the two countries, which had occurred at Brockville, where British sentries had fired on a peaceable American steamboat, the *Telegraph*. The angry feeling on both sides was now raised to the highest pitch; the press indulged in the warmest recriminations, and the more violent residents on each side of the line loudly threatened their neighbours with invasion and reprisals. It seemed hardly possible to preserve peace, and I, who had up to that time indulged the most sanguine hopes of the pacification of Canada, thought that all chance of success in that object would very speedily be destroyed by the breaking out of a war between Great Britain and the United States.

Out of all this evil the vigour and sagacity of Lord Durham brought immediate and great good. On the receipt of the intelligence of the destruction of the *Sir Robert Peel*, he offered a reward of a thousand pounds to any one who should bring the offenders to trial and conviction in the courts of the United States. But while by this step he declared the determination of the British Government to protect its subjects, and thereby conciliated the goodwill of the loyal inhabitants of Canada, he took care to show the utmost respect for the Government of the United States by exhibiting his confidence in its good faith. He determined to take this opportunity of impressing on that Government the necessity of a prompt and cordial co-operation with ours for the suppression of disorders fraught with such danger to the pacific relations of the two countries. For this purpose he despatched Colonel Grey to Washington. This mission was attended with the best results. The friendly declarations of the President and Secretary of State were accompanied by substantial proofs of sincerity. The force on the borders was increased, the strict laws of neutrality recently passed by Congress were at length enforced, and within a fortnight from Colonel Grey's arrival at Washington, the forces of Great Britain and the United States were co-operating on the Lakes and St. Lawrence in repressing the disturbers of the common peace.

These precautions against the interruption of peace with the United States were our first serious business, and while harassed and occupied with this we received most discouraging news from home. Within a week from our arrival in Canada we heard of the discussions which had taken place in the House of

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Lords immediately after our leaving England, in reference to the appointment of Mr. Turton. The determination of the Tory peers to impair Lord Durham's authority by constant attacks in the worst spirit of faction were not nearly so discouraging as the apparent readiness of Lord Melbourne to abandon and even blame him. The despatches which we received on this subject drew forth answers from Lord Durham, in which he expressed very freely his feelings with respect to the conduct of Ministers. Thus from the outset was there distrust and ill feeling between the two parties, owing to what, if not cowardice or indifference, could only be viewed as proof of very malignant perfidy on the part of the Government. And thus, amid all the difficulties of our task on the spot, there hung over us from the first like a cloud the depressing consciousness that we had no support to rely on at home, that faction would make no allowance for the difficulties and dangers of our position, but seize hold of every pretext for discrediting and thwarting Lord Durham, and that to uphold him against such assaults he could rely on no sincerity or energy on the part of the Ministers whom he was serving.

It was, however, necessary for him to proceed in his course without faltering, and give some earnest of his intention to carry into effect the reforms which he had promised. The state of the Province and all its institutions afforded ample scope for the amending hand, and in the month of June, before our departure for Montreal and Upper Canada, Lord Durham made some considerable practical reforms. The first was the establishment of a very efficient police in Quebec, where before this there had in fact been none. This institution was immediately afterwards extended to Montreal, where the want of a good police had been quite as much felt. The Report gives a view of the disgraceful neglect that had previously existed, from which it will be easy to see for how necessary and important a protection to person, property, and order the inhabitants of these two cities are indebted to Lord Durham.

Among the practical grievances of the Province none was more palpable, and certainly none more injurious, than the gross mismanagement of the Crown Lands. One of Lord Durham's first objects in his Mission was to lay the foundations of such a reform in the administration of them as might render them instrumental in promoting that influx of colonists which was requisite for the accomplishment of his great schemes for the improvement of the colonies. With this end in view he had engaged Mr. Wakefield to come from England about the time of our own departure, having for some time been acquainted with him, and having completely entered into all his views of colonies and emigration. On the 18th of June he issued the Commission for an Inquiry into the state of the Crown Lands in all the North American Colonies. As Lord Glenelg, though well aware beforehand of Mr. Wakefield's coming out with Lord Durham, had, when frightened by the discussions about Mr. Turton, written to prohibit Mr. Wakefield's being employed publicly, I was nominally placed at the head of the Commission. But my other avocations entirely prevented my taking any part in the work; the details of it were accordingly left to my Assistant Commissioner, Mr. Hanson, but the real direction of the whole business was entrusted to Mr. Wakefield, who had no ostensible employment. A very thorough inquiry was instituted at Quebec and Toronto by Mr. Hanson; an Assistant Commissioner was sent to Nova Scotia, New Brunswick, and Prince Edward's Island; witnesses were examined, and statistical information carefully collected. The result of these labours afterwards appeared in that most valuable Report on Crown Lands and Emigration, which forms Appendix B to Lord Durham's Report.

The last of the practical reforms now effected, which I need mention, was rendered necessary by the limited number of an Executive Council, which

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imposed on Lord Durham the necessity of taking some measures with regard to the jurisdiction in Appeals from the Courts of Law of the Province. The Executive Council was, by virtue of an Imperial Act, which Lord Durham could not alter, the sole supreme Appellate Tribunal of Lower Canada, and it was necessary that its sittings should be held during the early part of the month of July, when some of the members of the Council would be absent with Lord Durham in his visit to Upper Canada. He could take no step to provide against this difficulty without becoming sensible of the absurdity of the system by which the decision of the most difficult and important legal questions in the province had been left to a numerous body of persons, for the most part wholly ignorant of law. He took this occasion, therefore, instead of merely completing the quorum, to constitute a really efficient Court of Appeal on sound principles. He composed it almost wholly of the highest and ablest judges of the Province. In order to keep up the necessary quorum he added Mr. Turton, whose great legal knowledge and experience rendered his presence in the Court most useful, and for the same reason he was obliged to add my brother. The Court as thus constituted held only these single sittings. But the opinion of both bar and suitors was unanimously in favour of the soundness and importance of this reform. It was agreed on all hands that so efficient a Court of Appeal had never before been seen in the Province.

But the most important and difficult task remained to be done by the disposal of the prisoners who had filled the gaols since the suppression of the insurrection. This was a matter wholly foreign to the true purpose of our Mission; it had been thrown upon us by the timidity of Sir John Colborne, who, swayed backwards and forwards, as all the authorities in the Canadas were, between the ferocity of the dominant party in the province and the more enlightened orders which came to him from England, determined to shift the responsibility of this most delicate business from himself on to Lord Durham. The difficulty of disposing of the prisoners had in no degree been diminished by the delay. It is true that the leading persons of the British party had begun to entertain more rational and humane feelings than had animated them on the first suppression of the insurrection; and the mass of the British, though still thirsting for some blood, were, as the event proved, very easy to be reconciled to a lenient course. But the difficulty of getting any punishment at all inflicted by the verdict of a jury had been only increased by the lapse of time, and though every one in the Province was convinced that the allowing the prisoners to escape without any punishment would have the most dangerous results, we felt that public opinion in England would revolt from our having recourse to military tribunals so long after the cessation of the insurrection and martial law. We might, by altering the Jury law, or by using the influence of Government over the sheriffs, have secured a British jury, which would have convicted the innocent and guilty alike. But besides the mischiefs of a public trial, which must have brought to light many things that for the honour of Government and of individuals, as well as for the best interests of order, it was most important to bury in oblivion, and the publication of which would probably have rendered it necessary to deal severely with those who should be proved to have been leaders in the insurrection, we all felt that it would be far more for the permanent interests of liberty and for the honour of the British Government to secure the punishment of a few guilty individuals by an open deviation for that purpose from the ordinary forms of law, than to make new laws permanently depriving the French Canadians of the guarantees for equal justice, or to set the dangerous precedent of packing a jury.

After much deliberation on this matter, Mr. Turton and I, to whom the investigation of the details had been left, came to the conclusion that the best

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course would be to punish the leaders certainly, but lightly, by means of an *ex post facto* law. When this was first proposed to Lord Durham he instantly saw what an outcry would be raised in England against an act so contrary to our notions of liberty and law; and he refused to take any step of the kind unless it should be requested by the prisoners themselves. The prisoners, who expected the Government to avail itself of its power of packing a jury, and ensuring their capital punishment, were very ready to petition to be disposed of without trial, and as I had in the meantime ascertained that the proposed mode of dealing with them would not be condemned by the leading men of the British party, Lord Durham adopted the plan proposed, and on the 28th of June, the day of Her Majesty's Coronation, issued the famous Ordinance with respect to the prisoners, and the Proclamation of Amnesty. The ultimate results of this bold step neither Lord Durham nor those with him are responsible for; its immediate effects were even more satisfactory than we had ventured to anticipate. In America its success was complete. The British population of Lower Canada, after a few partial indications of dissatisfaction, universally acquiesced in it. The French, who were not disposed to be satisfied with anything but an entire concession to all their most unreasonable views, were awed by the decision, and conciliated by the lenity of the Act. After a while they ceased to murmur at it. But its reception in the United States was most satisfactory. All parties agreed in extolling it as a noble, wise, and liberal act. The very newspapers that had previously been most violent in assailing the British Government changed their tone for a while. And the revulsion of feeling throughout the Union was general and permanent. From that hour the feelings of national jealousy and political sympathy gave way to that of admiration of Lord Durham. From that hour the disaffected in Canada ceased to derive any aid from the public opinion of our neighbors, and among our difficulties we had no longer to contend with the chance of war with the United States.

I think there was only one error with which throughout this business Lord Durham is justly chargeable, and it was an error to which I must attribute most injurious effects. He ought, in announcing such a step to the Home Government, to have given an ample and detailed statement of the grounds on which he had felt it right to compose his Special Council, and dispose of the prisoners as he had done; and I fear that to the absence of some such explanation, which might have been laid before Parliament, and served to convey a knowledge of the real state of affairs, is to be ascribed that misapprehension on these points which enabled Lord Durham's assailants to produce any effect whatever on the public mind. The composition of our Special Council was calculated to be misunderstood by those who did not know how difficult it would have been to find any better materials in Lower Canada. If Lord Durham had fully explained the grounds of his Ordinance, the public at home would readily have appreciated his manliness in composing his Special Council so as in fact to shift no responsibility off his own shoulders. And it could easily have been shewn that had he composed the Council, as Sir John Colborne had done, of residents in the Province, he must in the existing state of things have thereby placed the power of Legislation in the hands of one party, which would assuredly have used them, as it had been done under Sir John Colborne, for the promotion of its own interests and the oppression of its opponents.

Immediately after the publication of the Ordinances, Lord Durham, accompanied by Sir Charles Paget, the Admiral on the American Station, set out for Montreal. Our departure from Quebec gave occasion for a very sullen demeanour on the part of the British inhabitants, who were by no means pleased with the lenity of the Ordinances. We heard that a still more unfavourable feeling would probably be exhibited on our arrival at Montreal. It was

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about the middle of the day of the 5th of July when our steamboat cast anchor opposite to that city, and we instantly received the visits of the authorities and principal inhabitants. The state of terror and uncertainty which then existed throughout the Canadas was testified to us by a hundred alarming rumours that reached us in the course of the day. The full effect of the Ordinances had not yet had time to develope itself. We had every reason to believe that the British inhabitants of Montreal, who, having been in the very midst of the preceding party struggles, had naturally contracted a greater violence of feeling than even the rest of their race in the Province, would very strongly exhibit their disapprobation of the lenity of the Ordinance. Nór had this measure had time to exhibit its effects on the public opinion of the United States, and the country was inundated with alarms of fresh demonstrations of American 'sympathy' with the insurgents. I recollect well that during the twenty-four hours that elapsed between our arrival in the port and our landing, there were brought to us no less than three distinct and circumstantial accounts of 'Bill Johnson's' invasion of the Provinces at the head of a large force of rebels and 'sympathizers', he himself being reputed to have made his appearance at no less than three different points at the distance of about five hundred miles from each other. It had required little time to learn to give very little weight to any rumours that we might hear in Canada, and these produced little impression on us except as far as they went to convince us of the extremely disorganized state of men's minds in the province. Lord Durham had not lost the opportunity afforded him by the visits of the leaders of the British, who on their return spread the most favourable report of his views. An instant change was produced in the minds of this people, who seem to me, from all the experience I have had of them, to be, of all the English race that I have ever met with, the most excitable, and the most susceptible of new impressions. When Lord Durham landed on the 6th, the whole city poured out to meet him, and received him with the utmost enthusiasm.

We remained some days at Montreal, and it was here that Lord Durham, in a private interview with a large number of the British leaders, developed for the first time an outline of his views with respect to the permanent settlement of the Colonies. These I shall hereafter detail; the only effect which this communication could have in this stage of affairs was that of being regarded as a flattering proof of confidence in the persons to whom it was made. In the answers to the various addresses which he received from different bodies, Lord Durham availed himself of the opportunity of making known the general principles on which he meant to administer the government of the Province. He well knew to what account he could turn these occasions of ceremony, and his answers were all framed with the same great principles in view, the various aspects of which the various addresses enabled him to bring before the public. The chord which he touched in addressing all these bodies was the determination of Great Britain to uphold her connexion with these Provinces, of which he painted the vast resources, and the ease with which they might be developed. By the consideration of their common interest in this he urged both parties to union and tranquillity, and, while he impressed on the one the necessity of co-operating in the reform of their defective laws, and of casting aside the petty jealousies of race, he exhorted the other to an oblivion of the insurrection, and of the long course of irritating events that had preceded it.

On the 10th we left Montreal, and soon entered Upper Canada, where during our progress up the river Lord Durham received addresses from the various towns which we passed, indicative, in spite of the violent dissensions that existed in the Province, of a pretty unanimous resolution to confide in him. But every step that we took in this province showed us the fearful extent and nature of the

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divisions that separated classes and parties. These had just then unhappily been very seriously augmented by the very inopportune arrival of an opinion of the Attorney- and Solicitor-General of England in favour of the validity of Sir John Colborne's unpopular creation of the 'Rectories', and from one end to the other the province was agitated by a revival of the irritating discussions on the question of Clergy Reserves. We passed unharmed and unassailed through the romantic region of the Thousand Isles, where indeed nature seemed to have invited the attempts of 'Bill Johnson' and his gang; and went straight to the Falls of Niagara, where Lord Durham had very wisely ordered a considerable display of military force to be made. At this spot, the general rendezvous at this season of large numbers of travellers of the wealthy class of the United States, the reviews which now took place attracted a crowd of spectators from the opposite side; and the presence of the Governor-General, of the authorities of Upper Canada, of the Admiral, and of a numerous and most efficient military force of every kind was calculated to impress on our neighbours the value which the British Government was disposed to attach to the maintenance of her empire in the Canadas, and of the efficient means by which that determination was backed. The hospitalities that Lord Durham very widely extended to the visitors from the United States, were productive of even more useful results, because they excited in them better feelings than the mere dread of our arms. After the studied reserve that it had been usual for the leading persons in the British provinces to maintain towards their republican neighbours, it was most gratifying to the latter to be received with cordiality by the nobleman of the highest position with whom they had ever come in contact. I have often said to those who (after the fashion of petty carping, by which we were assailed) used to dilate on the seven or eight hundred pounds that were spent in the course of Lord Durham's visit to Niagara as a monstrous expense, that, considering the results attributable to it, a million of money would have been a cheap price for the single glass of wine which Lord Durham drank to the health of the American President. For such had been the absurd demeanour of the authorities in the British Colonies towards those of the United States that it actually seemed as if the latter Government were not completely recognized by ours. This mere ordinary civility, therefore, on the part of the Governor-General was taken by the Americans present, and by their countrymen at large, as indicative of a thorough change of feeling and policy, and as a pledge of goodwill towards their country. Of the change thereby produced in their feelings, we had speedy and gratifying proofs, and these acts of civility created among the mass that regard for Lord Durham which the wise and humane policy of his government had in great measure already produced among the more thinking. Henceforth, instead of incivilities being offered to every British officer who chanced to cross the lines, the citizens of the United States vied with each other in hospitality and respect to them. Lord Durham continued this wise course after his return to Quebec, where he made a point of receiving the numerous travellers from the United States at his house during the summer. These were in themselves but slight acts and easy observances, but they were parts of a great view of international relations, and produced great and good effects on the feelings and intercourse of two nations. It is only the man of statesmanlike mind who can produce a great result out of things so small as an invitation to dinner, or the drinking a glass of wine.

With respect to the events which occurred during this visit to Upper Canada I am little qualified to speak from personal knowledge, as my unfortunate illness compelled Lord Durham to leave me behind him on his return. He visited a considerable part of the Province, and here, as in Lower Canada, he made the answer to every address the means of appealing to those feelings of pride in their Mother Country, and interest in the prosperity of the Colony, by taking

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advantage of which alone he saw that Canada could be secured. This purpose was predominant in Lord Durham's mind. When from the Canadian shore he looked across the entrance of Lake Erie, and saw the noble buildings and crowded harbour of Buffalo, he longed to divert the stream of commerce to the British shore, and by means of the Welland Canal to give to Canada the trade between the Great Lakes and the sea. With this view he wrote that despatch in which he impressed on the Home Government the necessity of contributing a large sum of money to complete the great plan of internal water communication which the Assembly of Upper Canada had commenced, but had found beyond its powers of completion. This proposal was not, however, adopted by Ministers. Lord Durham subsequently proposed by means of such provincial resources as he could command to aid in the improvement of the navigation of the Ottawa, the most important tributary of the St. Lawrence, and hardly inferior in importance to the main branch of the river. But his abrupt departure prevented his taking any steps for this purpose.

In the short period which had elapsed between our first arrival in Lower Canada and our return from the Upper Province, a very great and beneficial change had already been wrought in the state of things. The change in our position with respect to the United States was the most important; no imminent risk of war any longer harassed us and deranged our plans; on the contrary, the favourable feeling of the States came to the aid of our Government and operated for us in public opinion in Canada. The British party, in spite of the secret dissatisfaction of some of its leaders, had very generally rallied round Lord Durham. The French had become somewhat more reconciled to their lot, and though secret intrigues still continued to be carried on among *habitans*, the change of feeling in the United States had convinced the leaders of the refugees, as well as of the disaffected in the province, that their main support, which had been the sympathy of their neighbours, was altogether withdrawn. The opportunity was now afforded for setting about those internal reforms which Lord Durham had promised in the *Gazette* that contained the Ordinance respecting the prisoners.

The reform which the British population had chiefly at heart was the commutation of the feudal tenures. With a view to this Lord Durham proposed to begin with two measures which might be regarded as parts and preliminaries of the general scheme. The first of these was the commutation of these tenures in the city of Montreal, where their operation was the most injurious, and where the disputes respecting the title of the Seminary of St. Sulpice, an ecclesiastical body, to whom the seigniority belonged, rendered that body more ready to accede to a commutation than the owners of seigniorial rights generally were. The second was the measure of a general registry of titles to land, which besides being a necessary accompaniment of any general commutation of tenures, was eagerly desired by the British population as a most valuable substantive reform. The preparation of a measure for this purpose was confided to Mr. Turton, who for that end proceeded to institute extensive inquiries, and consulted the leading lawyers of the Province, both French and English. The settlement of terms of an arrangement with the Seminary had been entrusted to me, and before our journey to Upper Canada, I had already entered into negotiations with the Superior of that body. The outlines of the plan, which appeared to me fair and expedient, and which were indeed almost identically the same with those proposed by Lord Gosford's Commission, had been communicated by me to some of the leading British inhabitants of Montreal. The matter had naturally been a good deal spoken of, the nature of the suggested arrangements became known, and some of the more stirring and unreasonable of the British party commenced an agitation among the more violent of their own race and religion against terms,

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which they described as too favourable to a French and Catholic community. When Lord Durham visited Montreal on his return from Upper Canada a petition got up by these persons was presented to him, remonstrating very warmly against the arrangement, and not very covertly insinuating, after a fashion too common in the private conversation of those who in both Canadas affected the greatest loyalty, that the continuance of that loyalty would in a great measure depend on a compliance with their demands. This insolent threat, as well as the bigotry exhibited in the petition were promptly rebuked by Lord Durham, and his decisive conduct not only checked the extravagance of the leaders of this fanatical movement, but elicited a strong counter-expression of opinion. At a public meeting held on the subject a few days after Lord Durham's answer to the address, the more moderate of the British expressed their disapprobation of the petition, and the Irish Catholics exhibited such marked indignation at the insolent tone adopted towards their clergy and religion that it became obvious that the bigotry of a few individuals had gone near to bring about that separation between the Irish Catholics and the remainder of the British race, as it had been the great care of the British leaders in their recent conflicts with the French most cautiously to avoid. The meeting broke up in disorder, all agitation on the subject ceased, and the Government was left to complete its arrangements with the Seminary at its leisure.

Two subjects of no less importance than even the commutation of the feudal tenures were at the same time undertaken. A Commission was issued for an inquiry into the state of education in the province and another to inquire into the state of its municipal and local institutions. On the last of these Commissions it was resolved to employ a person who had acquired a rather unenviable notoriety by the extreme violence as well as ability with which he had advocated the views of the British party. This was Adam Thom, who had been for some time the principal writer in the *Montreal Herald*. The talents and energy of this man, originally a very humble schoolmaster in the north of Scotland, had raised him to the possession of the greatest influence over the mass of the British party, and to them the confidence now reposed in him by the Government was highly gratifying. Of course it was just as unpalatable to the French Canadians, whose press rang with denunciations of the 'execrable' Thom. The only really bad result of this was the loss of the assistance of a respectable and influential French Canadian, who had consented to serve on the Commission, but declined when he found that he was to be associated with one who was regarded as the enemy of his race. But I am not at all inclined to doubt of the wisdom of this step. Mr. Thom was very fit for the business assigned to him, and performed his task with great integrity and judgment. Nor was his utility confined to that particular business. Throughout the rest of the Mission he rendered himself most useful by the information which he supplied, and by his influence over the mass of the British population.

His services were even more essential after our arrival in England, whither he returned at the same time, and his assistance in furnishing various pieces of local information and corrections of detail were of great value to the Report. But his appointment was of still more importance on account of the principle of selection, which the employment of a man so obnoxious to one race indicated. It was a great thing to show the violent parties in Canada that their denunciations should not succeed as heretofore in excluding men of ability from the public service. It was a great point also to take an able and energetic man out of the mischievous occupation of party agitation to enlist him in the service of the Government, and to employ him where his energy and talents would do good instead of harm. Had Lord Durham's government continued

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he would have shown that he meant to pursue the same course with both races alike. For when the events occurred which put an end to his mission, he was in great hopes of securing the services of Mr. Morin, a French Canadian of great industry and knowledge, of amiable and upright character, and who perhaps, next to Mr. Papineau, had occupied the foremost position in the debates of the Assembly; and who, though subjected of course to much animosity and many accusations, appeared to have kept quite aloof from the recent insurrection. The Education Inquiry was entrusted to my brother, who with great perseverance and judgment undertook the high but difficult task of uniting the hostile races in the same schools and colleges, and in spite of a good deal of opposition from the bigots of every race and creed, devised a very satisfactory scheme for the purpose, which will be found detailed in the Appendix D to Lord Durham's Report.

The multitudinous business of the more ordinary administration of the Province of Lower Canada occupied of course much of Lord Durham's time. Every question of magnitude that arose in British North America was referred to him. The disposal of the political prisoners in Upper Canada was the subject of a long and warm correspondence with Sir George Arthur. An application to Lord Durham from the wives of Chandler and Waite, two of the unhappy men condemned to death for what was called the Short Hills insurrection, occasioned his interference in the first instance. This was somewhat angrily resented by Sir George Arthur. I need not enter into the particulars of a discussion which is contained in the correspondence printed at the end of Ridgway's edition of the Report, and which does honour to Lord Durham's humanity as well as to his political wisdom. The result was most satisfactory, for after earnest entreaties from Sir George Arthur to be allowed to execute at first four, and then at least one of the convicts, the lives of all these unhappy men were saved, and what was even more important, Sir George Arthur was induced to proclaim a General Amnesty, by which the fears of the various families compromised in the late risings were set at rest, and the greater part of the political exiles, who molested the frontier, were permitted to return, and became harmless at home.

Among Lord Durham's labours during this period I must not forget the excellent dispatch of the 9th of August. This document, in which for the first time he developed for the information of the Home Government his views of the general state of Lower Canada and the causes which had produced it, describes very fully the hostility of the French and English races, the objects and characters of the contending parties, the state of feeling which the recent events had produced in the United States, the abuses of the internal government of the province, and the general want of confidence on the part of its inhabitants in the Imperial Executive and Legislature. The views contained in this dispatch are in fact the same as those subsequently given with much greater fulness in the Report, and the great value of the dispatch consists in this coincidence between it and the Report, inasmuch as it proves that the views expressed in the latter were not taken up by Lord Durham after his return to England, but that, confirmed by intervening experience, they were in effect the same views as those which he had communicated to the Ministry before the occurrence of the events that cut short his mission.

Lord Durham, before leaving England, had, with a view principally to having some definite subject of discussion with the persons whom he might consult in the Province, prepared the outline of a plan for the future government, founded on suggestions which he had received both from public documents and discussions, and from individuals who had paid a great attention to the subject. Soon after his arrival in Canada he had taken advantage of visits from the Lieutenant-Governors of what are commonly called the Lower Provinces, to

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desire them to send to Quebec such persons of every party in their respective Colonies as they might consider capable of giving the soundest opinion on such a subject. Accordingly, on the 12th of September, deputations from Nova Scotia and Prince Edward's Island came to Quebec, and in a few days after arrived that from New Brunswick. Great praise is due to the Governors for the skill and impartiality with which they had selected the deputations. Their members appeared to have been very fairly selected as the ablest representatives of the different parties in the Colonies. They gave us indeed a very favourable opinion of the state of society in the Lower Provinces. Generally men of plain manners, they exhibited also a great deal of plain good sense and fairness. Opposed in provincial politics they could discuss even their own points of difference with candour and moderation. The deputation from Nova Scotia in particular pleased us highly. Some of its leading members were persons not only of striking ability, but of a degree of general information and polish of manners which are even less commonly met with in colonial society.

The scheme which Lord Durham proposed as the basis of discussion was one on the principle of a federative union of all the existing Colonies in North America. The idea of this had been originally thrown out by Mr. Roebuck in the House of Commons, and the suggestion had met with the approval of Sir Robert Peel, as well as of Lord Howick, Mr. Ellice, and other persons who had paid much attention to Colonial matters. The plan appeared to offer a chance of putting an end to existing discussions, of overwhelming the enemies of British connexion in the Canadas by the unanimous loyalty of the Lower Provinces, of extinguishing the pretensions of French nationality, and at the same time of leaving each different community in possession of its own laws and of the power of managing its own local affairs. The plan had in Lord Durham's eyes the still greater merit of combining these large and richly endowed Provinces for common purposes of improvement, of forming out of these divided and feeble elements a single community with vigour as well as singleness of action, and of thus raising up on the Northern frontier of the United States a rival union of British Colonies, which might ere long, by the development of its vast internal resources, form a counter-balancing power on the American Continent. The same measure would, he hoped, not only make these Colonies powerful, but also incline them to use their power no longer for the purpose of thwarting, but for that of supporting, the Imperial Government. In order, however, still further to guard against the contest of races, he entertained the idea of dividing Upper and Lower Canada into three instead of two Governments. The westernmost of these was to have been formed entirely of the furthest portion of Upper Canada, where the population would have been wholly English. The middle part was to be composed of a portion of Upper Canada, together with the whole or the greater part of the districts of Montreal and the Eastern Townships in Lower Canada. An English majority would by this means have completely overpowered the French population of that district in which, from the near approach to equality of the two races, the hostility between them had been the most mischievous, and in which the French were far more turbulent and ill affected than in other parts of the Province. The third government, comprising the country from Sorel to the eastern extremity of Canada, would have been entirely French. But the French of the greater part of this district, particularly those below Quebec, are so comparatively quiet a race, there is such a paucity of English there, and consequently so little collision occurs between the races, that we had every reason for thinking that such a French community might have proved tolerably tranquil and well affected. At any rate the disturbances of a single Province would, under the Federal system, have been local, and need not have disturbed the general legislation and tranquillity of British North America.

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Our conferences with the deputations were harmonious and satisfactory. I need not now specify the effects produced on our opinions by these discussions, nor how it was that our views (for it was so not only with Lord Durham, but with all of us) gradually took the shape in which they were embodied in the Report. The urgency of an union was more forcibly impressed on our minds in the course of our conferences, and still more by subsequent events. And as we discussed the details of a plan, so the merits of a federal scheme faded away by degrees, and we became convinced of the propriety of such a complete legislative union of the provinces as was afterwards proposed in Lord Durham's Report. The language held by the deputation showed us that the public mind of all the Provinces was prepared for an Union, and that such a measure would be conducive to their separate interests as well as to the common good of the empire.

In the midst of these occupations we received the astounding news of the disallowance of the Ordinance of the 28th of June. Previous intelligence had by no means prepared us for this. Lord Durham had received not only a dispatch from Lord Glenelg, but also an autograph letter from the Queen highly approving of the Ordinance. We had no reason to believe from the reports of the first debates on the subject in Parliament that any person would join Lord Brougham and Mr. Leader in their outcry against the Ordinance. Lord Durham had always had misgivings as to the result. I will own that I had felt none. I thought that the merciful and pacifying purpose of the Act would have so pleased the great mass of our countrymen that there would have been no dissent from their universal approbation. I still think that I judged the mass of my countrymen aright, and that by them Lord Durham's Ordinances were fairly appreciated and fully approved. But he counted more accurately than I did on the selfishness of parties and the consequences of intrigue. I recollect well the day that the news arrived. I happened, amid my usual fatigues, to have that morning a few hours of leisure, and at Lord Durham's request I went with him on an excursion in the neighbourhood. The incidents of this little journey are fresh in my recollection even now; I well remember what we saw, and how we talked, and how we laughed under the bright Canadian sky in that fine autumn day. As I was walking back from the carriage to my lodgings some one told me the news in general terms, but I supposed it to originate either in joke or in mistake, and hardly thought again about it. However, when I got into the carriage to go with Mr. Turton to dinner, he told me that the report was quite true, and when I arrived at the house Lord Durham sent for me, told me the news, and, almost more by manner than words, let me know that his mind was made up to resign his government. I saw indeed from the first that such would inevitably be the result, and that here—for a while at least—was destroyed the whole fabric of improvement that Lord Durham had with so much labour and anxiety been building up during the period of his government.

Whenever up to this time the least mention had been made of resignation, I had invariably combated it as a thing not to be for a moment thought of. I had recently done this with great warmth; I had represented the trust confided to Lord Durham as similar to that of the defence of some besieged outpost of the empire, and I had asserted that in his case, as in that of the military commandant, success would be the only proof that our countrymen would accept of the efficiency of his defence. Great, unexpectedly great, as was the additional discouragement to which he was now exposed, I think—I even then thought—that it would have been wise, had it been possible, for Lord Durham to have held his post. His reasons for quitting it have been stated at full length in his dispatches and proclamation, and they unanswerably show the fearful chances

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of failure in his great purpose of maintaining and pacifying Canada, to which the factious conduct of the Tories and the more fatal abandonment of Ministers had exposed him. I think also that they quite clearly showed that the persecution of which Lord Durham had been the object from the outset of his government, and the mistrust of his power occasioned by the recent occurrences, had placed difficulties in his way from which another governor would in all likelihood be free. Still I think that had he met the difficulties with his accustomed energy, he would in all probability have succeeded, and that the honour and advantage of success after such discouragement would have been so great that it would have been quite prudent for such a prize to run the risk of a failure for which under the circumstances of the case nobody could have blamed him. I approved of his resignation on a ground which now, alas! I may very plainly mention. Without surmising the real nature or extent of the mischief, I saw that Lord Durham's health was fearfully affected by all that had passed. Such a degree of nervous agitation did his disease produce, and such a reaction of that agitation on his bodily health was constantly going on, that it was evidently impossible for him to bear up against the anxieties and labour of his government under existing circumstances, and display that energy and promptitude of decision which had so eminently distinguished him when his health was better. I felt convinced—and unhappily it is now too clear that I was likely to be right—that Lord Durham's life would very soon have been the sacrifice for his continuance in Canada, even for two or three months, and that at any rate he was liable to have his energies impaired by illness at moments in which any relaxation of them would have been fatal to success. I lamented his resignation then: I deplore it yet more deeply now; but I approved of it then, and approve of it now, as an act done in compliance with a stern and sad necessity. I must not be understood as admitting that his return home was calculated to injure the interests of the Province; on the contrary, I still think that in the difficulties then impending the preservation of the Province was more *safe* in the hands of Sir John Colborne than in those of Lord Durham, weakened as they were by the repeated proofs of his being unsupported at home. It is for his own sake—for the sake of the influence which his continuance in his government under such circumstances would have ensured him—and for the sake of all the strength that would thence have accrued to the popular cause at home, that I regret that the state of his health compelled him to abandon this chance of fame and power, and that even this sacrifice came too late to avert the blow which disease had already struck.

The declaration of Lord Durham's intended resignation spread terror and grief throughout British North America. The delegates from the Lower Provinces gave utterance to the first expression of regret at his departure, and of entreaty that he would remain, and it was in answer to them that he first publicly announced his intention of resigning. In consequence of this, addresses of a similar nature came from all parts of both the Canadas. The address from Quebec, presented in the hall of the House of Assembly, gave occasion to a burst of the most enthusiastic popular feeling. Large deputations brought the addresses from Kingston, Toronto, and Montreal, and expressed the alarm with which the whole British race in Canada regarded the attacks made on Lord Durham, and the consequent calamity of his resignation. The French—though some of the more honest and sagacious of their leaders were inclined to express openly their regret at an event, which deprived them of their own efficient protection from the violence of their antagonists—maintained their usual sullen and impassive demeanour. But the feeling and the movement of deep regret extended throughout the British of every party in the two provinces. Even those who had the most violently condemned his policy—even the most

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reckless of the Family Compact of Upper Canada—expressed the common feeling in terms proving how sincerely they participated in alarm at Lord Durham's departure, if not in approval of his policy.

These demonstrations did not, however, affect the grounds on which Lord Durham and all around him saw that his resignation was absolutely necessary. Indeed these considerations, together with the news which reached us from every quarter of the preparations for fresh insurrection, rendered it incumbent on Lord Durham at once to put the fact of his resolution beyond a doubt, and to take measures for his instant departure, in order to end that species of interregnum which cannot but exist when a governor has declared his intention of giving up his office. With this view, he determined on leaving the Province at the close of October, and he announced this by the famous Proclamation which he issued on the 9th of that month.

In this Proclamation Lord Durham had two great objects in view. The first was that of calming the excessive agitation which his abrupt departure from Canada had occasioned, by showing that he did not despair, and that he yet hoped by immediate and energetic remonstrances at home to effect that good which he could not secure by remaining in Canada. The second was certainly that of vindicating himself by the only public means in his power. He has been much censured for publishing what has been considered an inflammatory appeal from the Imperial Government and Legislature to the people of the Colonies. It must not, however, be matter of surprise that after the unusual mode in which Lord Durham had been assailed in Parliament and abandoned by the Ministry—after his policy had been condemned without hearing or explanation, that he should think it necessary to step somewhat beyond the line of official usage, in order to protect himself against those who had used him thus ungenerously. As for the inflammatory effect which it has been said that the proclamation was calculated, if not intended, to produce, the answer simply is that it both purported to seek, and did in effect produce, precisely the opposite result. No disorder, no increase of disaffection ensued; on the contrary, all parties in the Province expressed a revival of confidence; and we had it very clearly shown to us that one effect of the Proclamation had been that of inducing a much more general readiness to enlist in the volunteer corps, and take other measures for the defence of the provinces (see Note A, at the end).

There was, however, one necessary consequence of the great hurry in which Lord Durham was compelled to take his departure when once determined on, that I much regretted. He had originally purposed embarking at New York, after previously visiting Washington. The knowledge of this intention had created the greatest satisfaction in the United States, and the people had made preparations for giving him an enthusiastic welcome. Shortly after, in my passage through the States, I heard that the corporations of the various great cities on his line of way had made arrangements for meeting him at different points, and conveying him from one to the other. In fact he was everywhere to be received by the local authorities as a public visitor. On our return to England he was informed by Mr. Stevenson, the American Minister, that at Washington he was to have remained with the President at the White House as a national guest—an honour never before conferred on any one but Lafayette. Such a deep impression had Lord Durham made on the people of the United States: nor has that impression been yet effaced: to the hour of his death his popularity in that great country remained undiminished. I regret that no visible exhibition of this popularity occurred in the manner proposed, both because it would have been a great support to Lord Durham at home, and because it would have been useful in teaching our public men in what way and with what ease mere honesty and courtesy can secure the goodwill of that great kindred

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nation. But the intimations of meditated insurrection were so numerous and strong that Lord Durham felt that he must lose no time in returning home, and that it would be unseemly in him to be travelling in the United States at a time in which the seat of his late government might probably be a prey to civil war.

During the short time that remained before his departure, he occupied himself in bringing to a close or advancing the various inquiries and reform which he had commenced. The Registry Bill was completed, and received the sanction of the principal lawyers of both races in the Province, as well as of those persons who had long taken the lead in demanding such a measure. The agreement with the Seminary of St. Sulpice was arranged, and, though Lord Durham did not choose, on the eve of quitting his government, to use his strictly legal authority to give a definitive sanction to measures of such importance, to this arrangement made with the assent of all the parties may be ascribed the enfranchisement of Montreal from the feudal restraints that have long obstructed its prosperity. The Commissioners of Education and Municipal Institutions were left to complete their tasks, of which the results afterwards appeared in the Appendix to Lord Durham's Report. The Commission on Crown Lands had continued its labours, and already settled some most important practical questions. The Militia claims had been adjusted by the Proclamation 8th of September, and on the 31st of October, the very eve of his departure, Lord Durham issued a Proclamation settling the intricate question of the rights of "Squatters" on the Crown Lands. But a question of still greater magnitude was decided by Lord Durham in the Report on the subject of escheat in Prince Edward's Island, contained in the dispatch of the 8th October. The abuse of the proprietary rights of the absentee landowners of this colony was the mischief that had blighted its prosperity in the very bud. The Legislature of the island had in vain passed Bill after Bill to authorise the escheat of Waste Lands on the principles usually acted on in almost every new country, and in vain had the Governor of the Island repeatedly recommended the Crown to give its sanction to such a measure. The proprietors in England had more weight with Ministers than the desires and interests of the whole Colonial community. Lord Durham's dispatch secured the Royal Assent to a Law of escheat; and if Prince Edward's Island shall hereafter prosper, it will be mainly owing to this interposition on his part.

I need only mention one other act done by Lord Durham before his departure from Canada. The two Chief Justiceships of the Province were resigned by Mr. Sewell and Mr. Reid. Lord Durham, without any solicitation, instantly conferred the office of Chief Justice of Quebec, the highest judicial office in the Province, on Mr. James Stuart. This gentleman, by universal consent the first lawyer in the Province, and the ablest as well as most influential leader of the British party, had been Attorney-General during Lord Aylmer's government; and having rendered himself obnoxious to the French majority, had been impeached by the Assembly, and an address had been presented for his removal. That he had acted with a good deal of intemperance in one or two instances cannot be denied, but beyond this there was really no foundation for the charges made against him. But though this was acknowledged by Lord Aylmer and the Colonial Secretary, Mr. Stanley, the former removed him from office and the latter sanctioned the removal. On any rational system of executive responsibility the mere hostility of the Assembly ought to have been in itself a sufficient ground for the removal of a man from an important executive office, but the dismissal of Mr. Stuart by those who strenuously combated that principle, amounted to a recognition of the truth of the charges made against him, and that recognition on the part of men who believed him innocent of all the serious articles of accusation was a most flagrant and cruel act of

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injustice. This injustice Lord Durham repaired, and to the great satisfaction of the whole British population, made Mr. Stuart Chief Justice of the Province. A day or two after Lord Durham's departure, Mr. Stuart called on me, and as he spoke of his deep and lasting gratitude to him for having thus relieved him from the stigma that had so long rested on his name, the tears actually burst into the eyes of that hard old man. But I do not find that Mr., now Sir James Stuart, who since Mr. Poulett Thomson's arrival has been the chief director of the Government, has ever shown any care for the interests or memory of him who lifted him from the very dirt into the highest judicial position in the province.

It was on the 1st of November that Lord Durham sailed from Quebec in the *Inconstant*. A sad day and sad departure it was. The streets were crowded; the spectators filled every window and every house-top; and, though every hat was raised as we passed, a deep silence marked the general grief for Lord Durham's departure. His own presentiments depressed him, and those about him, for he had told me and others also that he did not expect to reach England alive. When I left him (for I had to stay some time behind to collect materials for the Report) I had as a member of the Executive Council to repair to the Castle, where Sir John Colborne was to be sworn in. There were but few people in the room, but the countenances of the old Executive Councillors seemed to mark the restoration of the ancient system of administration. A good many military officers also were present; they seemed to think that their ascendancy also was restored. The ceremony was silently hurried over, and when it was finished I went to the window, which commanded a full view of the harbour. The cannon were just sounding in honour of his successor's installation, when the frigate that bore Lord Durham was slowly towed out of the harbour. The sky was black with clouds bearing the first snowstorm of the winter, and hardly a breath of air was moving. I returned to my office, and, some hours after, from the window, which commanded the wide basin below the city, I saw the dark form of that ill-omened ship slowly, and as it were painfully, struggling on its course. My heart filled with many a bitter regret, many a superstitious presentiment, and alas! many too true misgiving. We dined that evening at Mr. Daly's, and the party was composed of Mr. Turton, my brother, and myself, forming with him the last remains of Lord Durham's government. It was a mournful meeting, and none mourned more deeply than our kind and honourable host, who said that with Lord Durham's departure all his hope had gone. A heavy fall of snow was setting in as we left the house, and the very morning after the winter was completely set in. The next day we heard the alarming report that Lord Durham's worst forebodings had been nigh being fulfilled in the most fearful manner by a fire on board the ship. This was perfectly true; not so the reports which reached us every now and then during the next fortnight to the effect that Lord Durham had been forced to put into Halifax, or that he had been driven ashore on some other part of the coast. After fearful perils at the outset, the *Inconstant* kept on her course to its appointed end amid almost perpetual storms, which did not cease even when she had reached the shelter of Plymouth Sound.

Thus ended Lord Durham's Mission to Canada, and instead of bringing these great results to the country, and that harvest of honour and power to himself, which we had hoped, and for which we had all laboured, it seemed at its close to have ended in nothing but disappointment to all concerned in it. Its most fatal consequence, indeed, was his feeling that disappointment so acutely, and that, sickened by the malignity and weakness of which he had been the victim, he from the hour of his return gave way to a depression that quickened the progress of his malady. Many of those who enthusiastically

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rallied around him on his return, have since reproached him that he threw away the opportunity of complete justification and satisfaction, and refused to take that position in the political world which seemed to invite him. But this course he took after full and anxious consideration, and took I think as wisely as I am sure he did it honestly. Abstaining from all public part in general politics, he reserved himself for Canada alone. Nor did he seek to urge on the discussion of that topic. When Lord Winchelsea imprudently attempted to renew his persecution of Mr. Turton, Lord Durham's short and vigorous speech scared his assailants, and at once and for ever checked all similar attacks. From that hour he remained unmolested by those who had been so eager in assailing him during his absence. He never in his turn became the assailant. Public opinion had done him such complete justice in the matter of the Ordinance that, if he had brought it again before Parliament, it must have been for the purpose of assault, not of self-defence. When at the close of the session the question of the future government of Canada came before the House of Lords, he contented himself with a short speech, in which he neither defended himself nor attacked others, but, approving of the policy of ministers in postponing final legislation on the subject, emphatically impressed on the House of Lords the principles on which he thought that their conduct towards Canada ought to be shaped. At the moment, perhaps, the vindication of measures unjustly condemned and thwarted, and the triumphant assertion of his own policy by dint of argument and eloquence, might have given more satisfaction to his friends. But now we may with far higher and purer pride look back to the forbearance which he displayed, recollecting that, when all others thought most of his personal position and wrongs, he said nothing of them. True to the public principles of his past life, he allowed no impulse of anger, no scheme of ambitious aggrandizement out of the many assiduously suggested to him, to turn him from the course which, independently of all personal considerations, he judged to be the best calculated to serve his country. To the last day of his life his influence was steadily and effectually employed in repressing those feelings on the part of his political friends which, if uncontrolled by him, would on many an occasion have given the finishing blow to the existence of Lord Melbourne's ministry. More active exertions in the general field of politics, and the consequent attainment of the power of more effectually serving his country in office, we might have expected, had he possessed the health which had been the spring of his former energy. This it pleased Providence to deny us; but his hard fate could not deprive him, during the period that followed his return from Canada, of the opportunity of exhibiting a generous forbearance and an unselfish love of country.

Nor need we look with any dissatisfaction to the fruits of his Mission. That these were at first less obvious and less abundant than they should have been was not his fault, but that of those whose misconduct cut short the brilliant and useful career of his administration, and compelled him to leave to others the execution and completion of what he had only planned or commenced. The period of his government, which seems so long when we follow its various incidents and acts, was after all but of five months' duration, and yet in that short time what great practical results did he bring about! His policy in fact it was that pacified Canada and secured its retention. He found the gaols of Lower Canada full of prisoners trembling for their lives, which had been forfeited to the law, and the frontiers crowded with hopeless and reckless exiles. These traces of insurrection he removed, freed every prisoner, and recalled the exiles, without shedding any man's blood or confiscating any man's estate. In Upper Canada, where he could not so speedily or completely exercise his authority to the same effect, he nevertheless succeeded in producing nearly similar results by his advice

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and example. He found the British of Lower Canada suspicious and angry: he inspired them with confidence. He found the great mass of the people of Upper Canada animated by a discontent which bordered on disaffection, and utterly despairing of justice from Great Britain. He rallied them around the British Crown with that unanimous feeling which they since exhibited during the winter of 1838-9, when the whole population turned out against the invaders, and not a man, or hardly a man, of those most inclined to disaffection in the former troubles lent the slightest aid to the attack. He found a still more serious cause of alarm in the alienation of the great body, and the active hostility of a dangerous portion, of the people of the United States. He entirely changed the public opinion of the United States with respect to Canada; he turned it from assailing to supporting the British Government; and he so completely destroyed all general or open disposition to aid the insurgent Canadians, that, although some outrages were committed by the few reckless desperadoes who crossed the frontier at Prescott and Sandwich, the refugees and their adherents never again with any effect made an appeal to the sympathy of the American people. And though it was impossible for him to conciliate the long estranged goodwill of the French Canadians, or to eradicate their insane aspirations after the ascendancy of their race, he deprived their discontent of every justification, and so stripped them of all aid that their second insurrection exhibited only their utter want both of resources in themselves and of allies without.

I have already adverted to the practical reforms of every kind which Lord Durham effected or put in train during his stay in Canada. Besides those which were sufficiently simple to admit of being completed by him, the foundations of almost every reform of the defective institutions of Lower Canada were laid by the Commissioners of Inquiry which he established, and by their reports contained in the Appendix to his own, or by the suggestions in the Report itself. It has been the good fortune of Mr. Poulett Thomson, acting under the suggestions made to him by Lord Durham and those attached to Lord Durham—prompted by the advice of those whom we recommended to him as his advisers—and supported by those whose goodwill our private representations secured for him, to achieve some great and useful reforms. But if he has improved the administration of justice, he found its defects marked out in Lord Durham's Report. If he has prepared a system of municipal institutions, it was Lord Durham who painted the mischiefs of the want of them, and marked out the means by which they might be erected on an efficient and liberal basis. If he has been able to establish a comprehensive and sound system of education, the necessity and the means were alike pointed out by Lord Durham's Commission. If Montreal is enfranchised, if a registry of landed property is secured, it is by the adoption of Lord Durham's measures for each purpose. And if, above all, any reform is yet effected or shall hereafter be effected in the management of the Crown lands, the credit of procuring the requisite information and of settling the principles to be adopted for the future administration of this department, is due to Lord Durham's Commission, and to it alone. All these were reforms of which neither the necessity nor the practicability were suggested to Lord Durham from home. He saw the defects, he devised the remedies; others have stepped in to appropriate the honour of the execution.

But unquestionably the most important purpose of the mission was that of effecting, or rather suggesting, such improvements in the constitution and general administration of government in Canada, as might guard us against the recurrence of the disorders that had for many years afflicted both Provinces. This task remained to be performed when Lord Durham returned to England, and it has been completely performed in his Report. The praise of laborious inquiry and of comprehensive thought has never yet been refused to this document by

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those even who have most loudly condemned it. For it has been bitterly condemned by Tories, whose narrow and slavish notions its free principles of government could not but shock. It has been condemned by those whose attachment to the routine of our Colonial policy has been revolted by the startling recommendation of a generous confidence in the good sense of the people of the Colonies. It has given great offence to those Ministers whose whole recent system of Colonial policy it showed to have been shallow and unsound. And there are some, who can dispute no position in it, who cannot deny the truth of its statements or the general soundness of its conclusions, but who, being of that school of wily statesmen that imagine political wisdom to consist in going round about to one's end—that regard truths as mischiefs to be suppressed, or at any rate as dangerous matters to be kept only for Cabinets and Saloons—regret that Lord Durham should have said anything about Responsible Government, or at any rate that what he said should have been published to the world. We may console ourselves that the public at large while admitting the truth of Lord Durham's views, have not shrunk from them as dangerous on that account. Even amid the universal indifference with which the Colonies are regarded here, the public in this country have generally and highly approved of the Report. But in the Colonies it has become the textbook of every advocate of colonial freedom, of every one who denies that our countrymen in the Colonies should have that voice in their own government which Englishmen are used to regard as the birthright of their race. In Canada it has become the rallying-point of the great body of the people; those whom the ancient misgovernment had driven to the verge of disaffection have waived all their former objections for that of the practical adoption of Lord Durham's Report, and under his name every subdivision of the friends of liberal government have united as 'Durhamites', and insist on that which he sanctioned and no more. Nor has the Report been less studied or adopted in the other Colonies. The people of the West Indies and of the Cape of Good Hope have claimed the benefit of its principles, and every newspaper from the various Colonies of the Australasian World appeals to it as the manual of Colonial Reform.

Nor need we repine at the practical effect already given to the suggestions of the Report. Many of these indeed put forward rather what were views of ultimate and possible improvement, and general principles of Colonial Administration, than what can be regarded as positive recommendations for direct and immediate legislation. But the Report did distinctly and earnestly urge the Legislative Union of the two Canadas, and the principal purpose of the Act of the last Session goes to give effect to this recommendation. I think I see in the Lower Provinces a tendency towards such an accession to the present Union as would realize Lord Durham's splendid scheme of a great British community in North America. The principle of executive responsibility which he recommended, not with the vain notion that it could be enforced by positive law, but as the sure and only foundation of a firm and peaceable government of the Colonies, thought repudiated in words, has been already partially recognized in the appointments made by the Government. But it does not matter very much what the Government repudiates or what it recognizes, for certain it is that in the Parliament of United Canada it has created a power from which no Government in this country will be able to withhold that voice in the selection of its rulers, which Lord Durham showed to be a necessary consequence of representative institutions.

If then the Mission to Canada must ever be an object of mournful contemplation to us who loved Lord Durham and lament his irreparable loss, yet, when we look to the interests of his reputation, we may regard the execution of this high and difficult task as among the noblest of the many noble memorials

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of his career. Let us remember that, if he failed to obtain the results of immediate satisfaction and credit to himself, it was because he laboured for higher and more permanent objects. In this, as in every other part of his course through life, he left the trodden path of old routine and bygone systems, and was the first to advance towards whatever of wider and clearer views the enlarged experience of mankind has in these days reached. Here, as in other matters, his foresight enabled him to base his policy on those principles on which the coming age of the world will be ruled. He who acts thus must not expect that he will be rightly appreciated by the little knots of intrigues, from whose thoughts and interests he separates himself. But from the mass of his countrymen he may expect at least that generous sympathy with the rectitude of his purpose, which Lord Durham found even in his own day. From after times he will receive a yet larger meed of justice. For, as coming events in their appointed course shall prove the sagacity with which he foresaw them—as the public mind, gradually opening to new and sound views, shall be prepared to read the right lesson in the occurrences which it may witness—so will shine forth with daily increasing brightness the character of that statesman, who alone in his day rightly appreciated the worth of our Colonial Empire, and saw on what deep and sure foundations of freedom its prosperity might be reared. With us, then, that sorrow for his loss, which no time can efface, need be mingled with no vain and injurious regrets for the result of his labours, which will long survive in the bettered lot and grateful recollections of our Colonies, with none for a fame which, instead of being laid in his untimely grave, will date from the hour of his death the commencement of a long and vigorous existence.

NOTE A, REFERRED TO IN PAGE 36

There is one passage in the Proclamation, of which the propriety has been much questioned even by some of those most inclined to judge favourably of Lord Durham's conduct. It is that passage in which he states that, the Ordinances having been disallowed, there existed no impediment to the return of the persons who had been sent to Bermuda, or prevented from returning to the province. This was regarded by many as a mere outbreak of temper on Lord Durham's part, and it was supposed that, in order to throw obloquy on the Government at home, he actually invited dangerous persons to return to the colony. I confess that at first sight the passage in question has this appearance, and therefore I feel bound in justice to say that on that very ground Lord Durham was very reluctant to insert this passage, which I suggested, and very earnestly and perseveringly pressed on him. But practical considerations, totally unconnected with any reference to the conduct of the Home Government, induced me to make the suggestion, and, I think, justified Lord Durham in adopting it.

The instant that the news of the disallowance reached Canada, it was supposed that some of the exiles would enter the province. It seemed doubtful whether in that case they would be liable to be tried for their original offence. Nobody could deny that they had undergone *some* punishment, however inadequate, and the sound principle of *Non bis in idem* seemed, therefore, applicable to their case. But this point just admitted of so much doubt, as to make it quite certain that criminals so obnoxious to a large and violent party would not be allowed to re-establish themselves quietly at their former abodes, without some proceedings against them being attempted. We felt quite sure that they would be arrested, and that half the Magistrates in the Province would be eager to commit them for trial. The Grand Juries would have found Bills, the trials must have taken place, and then would have recurred all the mischiefs which

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the Ordinances had been designed to avert. The angry passion of the past insurrection would have been revived by the proceedings in the courts, the guilt of the prisoners would have been proved in the clearest manner, and there would have infallibly followed (as in the recent case of the murderers of Chartrand) a verdict of acquittal in the face of evidence.

The punishment of the exiles could only have been secured by suspending the Habeas Corpus, or by altering the constitution of the Tribunals by either substituting Courts Martial for the ordinary Courts of Criminal Law, or packing the juries. The last Lord Durham did not choose to do, and the two former courses (though defensible in certain emergencies) appeared most inadvisable in the circumstances of the case. He had abstained from having recourse to such encroachments on constitutional principles and personal rights, when the difficulty of disposing of the prisoners had first presented itself to him in all its magnitude on his arrival in the Province; and he was most averse, for the sake of punishing *a few*, to take a course from which he had shrunk when it would have enabled him to punish *all* the guilty. And it should always be borne in mind that the measures of rigour, which may be most necessary *during* an insurrection, may be the most inadvisable when insurrection is apprehended. At that time to have suspended the Habeas Corpus, or substituted Courts Martial for Juries, would simply have been to supply the disaffected with a pretext for the rebellion which we knew them to be meditating; and, what was more, give them some chance of success by setting public opinion in the United States against the Government of Canada. These were evils not even to be risked except for the most important objects, and the exiles in question were mostly so insignificant, that the keeping them out of the Province really was a matter of no consequence. As for Papineau, the only one among them of any consideration, we had learnt enough of his character to feel assured that his presence among the disaffected would have been the surest means of paralysing their operations. Besides which, however great his moral culpability, I knew that the evidence in the possession of Government, all of which I had gone through, would not in his case have justified a legal conviction.

The evils, which appeared thus likely to result from the return of the exiles, rendered it imperative on us to take some precautions to avert them. We were perfectly sure that some of the exiles would return without permission the moment that they heard of the disallowance of the Ordinances, and the fact is that one or two actually did return before the Proclamation was out. After the first step taken against any of them after their return, the consequences would have been beyond Lord Durham's control, and as he could not bring himself to commit the Government to an arbitrary course for the purpose of punishing a score of persons, he would have no choice but of letting matters run their course of arrest, trial, and unjust acquittal.

The great thing then was to prevent any step being taken against the exiles, and as they were sure to obtain impunity in the end, to let them have it at once without all the intervening excitement, and without bringing the administration of justice into further contempt. I therefore pressed on Lord Durham to take the bull by the horns, and as he knew that he could not punish the exiles if they came back, at once to tell them that there was nothing to prevent their doing so. By taking this course Lord Durham did in fact avoid all the excitement, exposure, recrimination, and subversion of justice which would have followed from his doing nothing; and, on the other hand, the worse mischief which would have resulted from his having recourse to violent exceptional measures. When the subsequent insurrection actually did break out, the rebels could allege no harsh act on the part of the Government as a provocation. And what was the practical mischief that resulted from letting these people back?

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None, that I ever heard of. None of those that returned did any harm, or even, as I firmly believe, took any part in the subsequent insurrection. But those who remained out of the province did all the harm they could.

Of course it is always an evil in the way of example, if notoriously guilty persons enjoy perfect impunity. I trust, however, that I have shown that punishing the persons in question by any unconstitutional means would have produced far worse effects even than their going unpunished.

In order to keep up the confidence of the loyal portion of the Canadian public in himself personally and generally in the Provincial Government, it was necessary for Lord Durham to point out that the impunity of these guilty and obnoxious persons was not his doing, but that of the Home Government. He could say this with perfect justice, for he had done his best to punish; his measures had been defeated by the interference of Parliament, and the present difficulty had been created solely by the disallowance of the Ordinances. And I think that it was quite as much in accordance with sound policy as with justice for him to lay the blame on Parliament. For as blame must in the opinion of the Colonists rest on some portion of the Government, it was far better that it should rest on the House than the Provincial Government. A little more discredit thrown on the proceedings of Parliament could hardly produce any sensible effect in augmenting the odium which at that moment rested on that body in the opinion of the Colonists. But anything that cast suspicion on the policy of the Provincial Government would have seriously increased the practical difficulties which surrounded not only Lord Durham, but also his successor. In Parliament the Colonists had no confidence, in the Provincial authorities an entire trust, and it would have been very unwise to weaken the influence of the latter by subjecting them to any part of the blame which Parliament and the Home Government alone deserved.

At any rate, as I began by saying, the course pursued by Lord Durham in this matter and the passage in the Proclamation were both adopted at my urgent suggestion; and I, not he, am answerable for what was done, as well as for the way in which it was announced. He was, of course, obliged to depend greatly on me with respect to all that concerned the internal administration of the Province, and more particularly in matters connected with the administration of justice. If my advice was wrong, he could not be blamed for acting by it in such matters.

I am bound to take on myself whatever blame is due to me, for well I know he never would have cast it on me. Every man who has to act on a great variety of matters of importance must rely on those whom he employs and trusts; and Lord Durham was necessarily compelled in much that he did to rely on me and act on my advice. Some steps that he took at my suggestion were among those that were most fiercely assailed either at home or in Canada. Yet never have I any reason to believe that he threw on me even the blame that I deserved. Never certainly, though often he might justly have done so, did he reproach me with the consequences of my counsels, never at least but once, in a moment of very natural excitement, and then he repaired the reproach in half an hour.

JOURNAL KEPT BY THE LATE AMURY GIROD, TRANSLATED FROM THE GERMAN AND THE ITALIAN.

1837.

November 15th.

I arrived this morning at Varennes, to send some corn to Market. I embarked, in the Steam Boat, (the Varennes) at Girard's Hotel, where, I found Cartier of St. Antoine, Meinard of Verchere, and several other friends who had come to the Village for the purpose of going the same journey, by the same conveyance. Chamard arrived, from St. Ours; he informed me that the people of St. Charles had detained Debartch prisoner, for some days; because, they supposed that this Traitor wished to go to Quebec, to advise rigorous measures, against those, who had signed the Declarations and the Resolutions of the Assembly at St. Charles, the Twenty third or Twenty fourth of October. By the interposition of Joseph Cartier, joined to his own explanations, Debartch was permitted to depart. T. Drolet, his mortal enemy, saved him, from the rage of a populace infuriated by his tyranny, and disgusted by his versatility. Debartch gave a paper, written with his own hand, by which, he promised to do nothing, against the above mentioned patriots, and particularly against Doctor Wolfred Nelson of Saint Dennis, Dr. Duvert, and Duvert the Notary, of St. Charles, T. T. Drolet of St. Mark and Boucher Belleville of St. Charles. Chammond said, besides, that, to-day, the Varennes, having on board Debartch and his family, passed by St. Charles, St. Dennis and St. Ours without approaching the shore to take in goods or passengers as it was accustomed to do.—While we were discoursing about these things. Boucher Beleville suddenly entered the room, very elegantly dressed; but, with a very disconcerted Countenance, exhibiting, altogether, the most ridiculous figure, in the world.—He entreated me, to follow him, out of the House, with so much earnestness, that, in truth, I thought he was mad.—However, seeing that several people were waiting for me, in the entrance, I concluded, that something extraordinary had happened.—I found there 1st O'Callaghan, trembling, with cold, I think with uneasiness also, he wore a very elegant surtout, his head was concealed by an immense red shawl, which formed a singular contrast with the paleness of his face.—2nd Papineau in a Capote, but presenting a marked difference in his appearance from the former; because, he was tranquil, composed, and, although allowing nothing to escape his attention, he manifested not the slightest symptom of apprehension. After the ordinary compliments, they informed me that the Governor had fulminated warrants against me, and others, as accused of High Treason; and they required that I should go, with them, to seek a shelter, from the impending danger.—With a great deal of trouble, I persuaded them to go, to Duchesnois house, that we might see what was to be done.—They proposed to me to flee to the River Chambly; they desired to know my opinion on the measures, the public ought to adopt against the injustice of the Government. I do not remember who, but I think it was Boucher, who first proposed that a Convention should be called, and a Provisional Government should be established.—We agreed to his proposals; but, he added that this step being equivalent to an Act of open rebellion, it would be well to devise the means of organizing the people and of procuring

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arms and ammunition.—We all assented to this proposal, and then began to talk about our departure.—As for me “I will not, I said, take the same road with you.—Go you to St. Dennis; see Nelson, be ready to procure Arms; I will go to the North, and see what can be done there; from *Grand Brulé* you shall hear from me.”—Just at that moment Duchesnois arrived.—He had been very ill.—Boucher was very hungry, O’Callaghan oppressed with fatigue, Papineau alone did not articulate a single syllable, indicative of physical or moral debility. They eat something.—Our departure became again the subject of deliberation. They had come in a canoe, with two men from Point Aux Trembles. These men began to form conjectures concerning ourselves, and the object of our Journey.—This induced me to change my intention of descending the River with them, O’Callaghan asked them how much they thought themselves entitled to, for their trouble, they mentioned the sum of four shillings.—But he seeing the suspicious looks of these men gave them five.—I could not help observing to him that if he went on at that rate; the route which he intended to take would be known to the Government before Twelve O’Clock that day.—

At last Duchesnois set off in his own carriage, accompanied by Papineau, Cartier gave his to Boucher and O’Callaghan. I embarked, with the two men, from Pointe Aux Trembles, and as soon as I arrived in the Island my Wife gave me some things with my Arms and Ammunition.—When I told her the object and cause of my Journey she was a little affected, but suddenly recovering herself, she said, “Go to thy duty and think not of me, I would prefer to see thee dead on the field of battle than to see thee abandon the cause of the country.”—

From my House, I went to Laporte’s, at Pointe Aux Trembles, where I found people dancing. I met there Baudry and Archambault.—After having danced I threw myself down to rest till about Six O’Clock, and at Nine I set off with Baudry to the *Rivière des Prairies*; the same night Roberte drove me to Saint Rose where we took up our quarters for the night with Mr. Turcotte the Parish Priest.—Here we met Paquin and others wanted to enter into a political conversation.—But the knowledge I had of his previous conduct and his recent treason enabled me to silence him in a short time.—Turcotte on this occasion proved himself to be quite a false fellow.—When alone with me and his Brother he acted the part of a *Patriote*, and said in our presence to one of his habitants (parishioners) “The time is now come, when it is impossible to continue neutral and it is necessary to take a determined part.”—As to you said he turning to us you are perfectly right in preparing to expel force by force. But when conversing with the other Priests he had the impudence, even in Our presence, to preach quite a different doctrine. I informed him that a Warrant had been issued against me.

This morning, about four O’Clock I went, to the River de Cheine.—The driver was a particular friend of the Priests—he informed me that, on Monday night, the inhabitants of the Parish took to Arms, as they heard of the attack made by the enemy on the people of Grand Coteau he spoke of Two thousand men having some loyal Canadians in front who refused to fight.—This confirms my Opinion that Canadians will not fight against each other.—nor allow any one to attack them.—About nine o’clock I arrived at St. Eus-

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tache at Dr. Cheniers.—He appeared to be well disposed, to our side, and spoke, with violence, about the Oppressive measures of the Government.—I think the man is good, but he speaks too much, and that naturally, detracts from his merit.

Saturday 16th.

I saw Scott. I do not like him he has, in his whole behaviour, that dangerous appearance of candour, which is only a cloak for his abominable falsehood.—This afternoon Dumouchelle the Father, arrived, from St. Benoit.—he reported the apprehending of Six Young men of the Association of the Sons of liberty, among whom were Ouimet (Their Chairman) and Boucherville, two promising and able young Lawyers.—I left this place, with Mr. Dumuchelle, and arrived at St. Benoit, at Eleven O'Clock in the night.

Friday 17th.

In this hospitable place, I feel myself at last better; I only find the want of sleep, and that will likewise improve here. Not only the leaders; but also, all the inhabitants are ready to defend the liberty of Canada with their lives and property.

Mr. Girouard is, as usual, with his whole heart, and soul, for his Country, and friends. The women are naturally frightened, about the coming events; on the whole they are convinced of the necessity of repelling force, by force.—I immediately commenced drilling the elected Officers. I remarked, on this occasion that French blood flows in the veins of the Canadians.—It is impossible to imagine how soon the Young men learns the use of their Arms.—

Saturday 18th.

Mr. Girouard went with me this day to *Rivière Du Chine*; we dined with Mr. Cherrier, and paid a visit to Scott. This afternoon, we received information that Constables accompanied by a strong detachment of Soldiers were coming to arrest Scott, Chenier and other members belonging to this Association.—The people here who were acquainted with the scenes of Longueuil agreed to use violence against the messengers of a despotic power and compel them to return.—In consequence of this, I allowed Mr. Girouard to return alone as I had resolved to stay with them and to lead them, against the enemy.—about half an hour after this, I asked Scott what he intended to do; he said he would, by no means allow, his friends to be given up, to be slaughtered.—I saw the impression his words made on the people present.—

He added that we should consult the speaker (Mr. Papineau) which I opposed. I gave it, as my Opinion, that all the Boats should be brought on this side of the River and to destroy Porteous Bridge near St. Rose.—In order to gain time to be able to give information to Our friends, as soon as the enemy should appear, on the opposite Shore.—Here followed a useless debate, which lasted five tedious hours.—At last, they agreed, to have the small Boats brought to this Side, but the Bridge the most dangerous point was to be left untouched.

Towards evening, I, with Chenier, visited Scott; a great number of *habitans* were, at his house.—They spoke again of the necessity of procuring Arms.—Scott represented that the majority of them had neither Arms, nor ammunition, although he had not ascertained how much, might be found in the Village.—He for one would not lead his friends to be slaughtered.—He was determined to change his lodgings every night, and to think of nothing else but the means of escaping.—

The people gained time to Organize themselves, and to be prepared, as soon as the Rivers would be frozen over, and the Country

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would be covered with Snow, we should then be able to obtain ammunition from the other side of the lines.—In vain, it was represented to him, that Six weeks might elapse before then, during which time our friends in the South could be annihilated, he succeeded in gaining Chenier to his side, and so the whole population was reduced to a state of deadly inactivity.

This day I left with Chenier, for *Grand Brulé*.—It is tiresome to hear this man speak even three phrases.—imagine therefore my torture in hearing this eternal babbler make perhaps fine long speeches at each corner of the Road. We met Watts who was going to St. Eustache to get some lead, from Scott; he seemed to be of opinion that it was necessary to march and to make a re-action, in favour of the people.—When we arrived at Grand Brulé, the whole of the inhabitants were summoned to assemble at Messrs. Doumehelle's and Girouard's.—Some persons were sent to make an entrenchment at the foot of the E .—It was commenced by four men but in a short time this number encreased to Ninety Seven.—The work is pretty well done, only, it is rather weak.—It was resolved to strengthen it.

Chenier repeated last night Scotts reasons, and annoyed us greatly with his long speeches and little sense particularly as the people were present.—New arrests were reported.

The battery in Côte St. Pierre is finished. The intrigues of the Priest of St. Hermas against the patriotes were discovered.

Archambault with Monarque have arrived, he brought me a letter from Zoë (Girods wife) who is still, on the Island.—she assures me of the determination of the inhabitants of *Pointe Aux Trembles*.—Duchenois has left Varennes.—Pinet and Massue have united to stop the progress of the insurrection.—They have been in Town, where Lafontaine spoke to them against Papineau, and requested them to Sign a Petition and cause it to be signed for the Assembling of Parliament.—He says Papineau is lost and must be sacrificed.—Archambault brought the circular for the Convention of the Members on the Fourth December at Saint Charles.—A Letter signed by O Perrault was annexed to this Circular I observed, in it, that St. Charles in the County of Richelieu had been substituted for St. Pie in the County of St. Hyacinthe I therefore concluded that our concerns in the south must be good. We began to place Picquets at least during the night.

Some new arrests were announced. Courselles and Brazeau inexhaustable babblers, incited the people against the placing of picquets. It was put to the vote whether Girouard or I should go to the Convention.—The Committee for Military affairs and for roads resolved that Girouard should go, and that I should command the Forces here.—During the sitting of the General Committee a letter was received by L. H. Masson signed "Glasgow Capt. of the Royals" demanding that Girouard, Doumehelle and Masson, should be given up as prisoners, otherwise he had orders with his six hundred men, and four field pieces to destroy the village.—When this letter was read, to the Committee, were at first silent; but soon after, there was a great confusion, which it would be difficult to describe, Girouard asked whether the meeting wished that they should give themselves up, or whether they were resolved to defend themselves. To the first he would not object; and as to the latter

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he would unite with them either to Conquer or to die.—Masson said he would not give himself up, and that he was ready to defend himself, to the last drop of his blood.—all seemed determined to hold out.—Confusion reached its highest pitch and they seemed to be all bewildered.

At last Young De Lormier proposed me as Leader.—While I was endeavouring to impress, on the people the necessity of Keeping themselves, Cool, and quiet, a great part of them left the Assembly.—I then gave the requisite orders, and sent an express to *Côte Saint Joseph*, where an attack was expected and directed that the people should be placed in the woods to defend themselves. I ordered the same to be done at *Petit Brule* and along the road, to the Hill. When I left the Assembly I saw, in Doumechel's house, women and children running about I went in, and, I can say that I never saw greater confusion.—I was obliged to threaten the life of the old man in his own house, so as to bring him to order. In the meantime I received information that the whole had originated in a joke, played off by Dr. Forbes of St. Genevieve.—He was arrested and sentenced by a Court martial to furnish a Gun and a Barrell of Powder.—Girouard's journey was resolved upon and put off until to-morrow.—

Friday 24th.

Girouard went to St. Scholastique about five O'Clock P.M.—At ten O'Clock at night, Peltier and Hubert arrived, R. Nelson had sent them to inform us that the troops had had an engagement with the *Patriotes* at St. Dennis, that W. Nelson had gained the Victory.—One hundred and Ninety Seven Soldiers Killed—Six prisoners.—Three thousand Six hundred catridges.—Six Barrells of powder, and three Field pieces had been taken.—The affair took place yesterday morning.—Just at this moment, I received information that the troops were on their march, from St. Andrews, to take *Grande Brulé*.—I sent expresses, in every direction.—Girouard was recalled; but, sent back word, that he could not return before to-morrow. More than six hundred persons were, with me, in less than, an hour, and assured me that others were coming.—Dr. R. Nelson sent me word that the City was in a state of terror, that there were very few or no troops there, and that his Brother and friends calculated on a diversion on this side of the River.—So I determined, upon going the following day to Montreal, to storm it.—Archambault was despatched with a letter.

Saturday 25th.

The Alarm Bell was rung in Ste. Scholastique.—Girouard returned. He, Barsolone, Chenier the Priest, Doumechelle and myself assembled in Council, I laid my plan before them.—Barsolone spoke at first against it.—Chenier only thought of revenging himself on his enemies in in River Du Chene, and declared he would do nothing else.—Girouard appeared to temporise and the Priest sided with him.—So they resolved to keep on the defensive.—This capital opportunity was lost through their irresolution;—and I repented for the first time that I had placed confidence in persons possessed of so low a character.—I ordered the Loyalists of Côte St Pierre to be disarmed.—We obtained, by this, a great number of Arms; but, as every one commanded and no one obeyed, the arms fell God only knows into whose hands.—

Sunday 26th.

I spent this day with Barsolone doing nothing.—

Monday 27th.

The Report of the Battle of Saint Charles became known and disheartened many.—Having heard different reports we determined, to send a Messenger to Saint Dennis.—I was particularly engaged in

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organizing our people; but, every thing went on very slow; they gave up the idea of having Volunteers, who may go and come when they please, and who from their Cowardice cannot be relied upon.—Instead of Volunteers it was resolved, to establish a permanent Corps, still the enlisting went on slowly.—

This Corps was to be maintained at the expense of the Priest (a).—But complaints were soon heard.—One said that he (the Priest) should be guarded in His house; but, that the people should not be permitted to enter it; others insisted, upon the right of plundering.—All was confusion.—I went to St James and mustered Twenty men to assist me in disarming the Enemy.—I went to Earls and took from him One Gun and a sword.—I made a requisition for three or four pounds of Iron at five sols per pound about Seventy persons who had joined us behaved themselves very well.—They touched nothing in the Houses, and I paid with my own money four shillings and Six pence, for half a Gallon of Whiskey, to treat them. From there, I returned to St. James and sent to a man of the name of Hall in whose House we found arms.—here I met again with my people.—

We went to Snowdens, from whom we took one Gun.—A Requisition was made for Ninety Seven pounds of lead and twelve Gallons of Rum.—He lent me a Horse.—We hurried, to Ste. Scholastique in hopes of securing the infamous Hortensea Provost (a).—When we arrived she had fled. Her husband gave us two Guns.—

A new alarm was caused by the apprehension of an attack from St Andrews, it turned out to be a false report. I gained this much, by it, that the people of their own accord volunteered, picquets for their protection.—Three persons of the name of McKercher were brought in.—They were accused of being spies, from St Andrews; but, a man of the name of Nichols affirmed that he had sent these men, to look for a child of his.—I invited him to return.—promised him my protection and to defend his cause and his property.—Scott arrived.—This man enjoys, to a great degree, the confidence of the people; but, I cannot trust him.—He proposed to me to undertake an expedition to the Lake of the Two Mountains, where I would find four Cannon, One hundred and fifty Guns, and Sixty Barrels of Powder.—He promised to join me, on Thursday next, about five or Six O'Clock, A.M., with One hundred men from St. Eustache at Carey's Mill, and there to place himself under my command.—We shall see *nous verrons*.—

I prepared myself for the Expedition.—Drepedations had been committed under the pretence of punishing the Loyalists.—Some individuals plundered Arms, Cattle and furniture.—I proposed to the Committee to take measures, to put a stop, to these depredations.—

About One O'Clock A.M., after half an hours sleep, I left this place, with Eighty men, the most of them were composed of those on whom I had conferred some favors on Monday last.—But few of them belonged to this Village.—Brazeau was our guide.—We intended to advance by the foot path, through the woods, whilst I took the Road to the Mill.—A strict silence was the only means of insuring success; but it is easier to prove to a Goose, that it should not cackle, than to make a Canadian hold his tongue.—I arrived at the Mill at about half five O'Clock A.M.—The sight of so many armed people fright-

Tuesday 28th.

Wednesday.
29th.

Thursday 30th.

(a) This priest was Mr. Paquin of Saint Eustache.

(a) This lady and her husband were conspicuous Loyalists.

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ened the Miller.—but I assured him that he would not be molested and in fact the good conduct of my people quieted him and his family.—At last Chenier arrived with about One hundred men, half of them unarmed.—

Scott who promised to join me did not shew himself. The appearance of such an irregular band, under the Command of such a babler, as Chenier, convinced me, that it would be out of my power to maintain good order, or protect private property. To do, in the meantime, what I could, I ordered Chenier to surround the Seminary, as I expected that the presence of their Commanding Officer would keep them in check. To Hubert, I gave charge of the House belonging to the Hudson's Bay Company. To Brazeau, the charge of the House of Captain Ducharris—I ordered Peltier to guard the Road, along the Lake shore, and to Robillard, I gave the command from the margin of the lake, to the Algonkin Village— every thing went on in the best order. I enquired for the Cannons, but was told the Indians had secreted them. As I thought proper to remain, on friendly terms with the Indians, I requested a conference with those of their Chiefs who had remained at Home. Hubert had the House of the Hudson's Bay Company forced open, but he lost a great deal of time, with Fat McTavish, as he allowed him, to dress at his ease, and had not the House and the Yard immediately searched.—At last *the lump of flesh got up*.—He pretended that he had no arms or ammunition.—We demanded the Keys of the Shop, and powder House. He replied that he could not deliver them up, without being suspected of having conspired, with us, and that we must break open the doors. On my representing, to him, that this would only be a useless destruction of property, he delivered up the Keys, we found, there Eight Guns, Two pounds of powder, about one thousand Two hundred pounds of lead, and a Gun, but the cannon were not to be found. The Clerk told me, that, if we had wanted the Cannon, we ought to have kept the expedition more Secret, that they had been removed and were not to be found there. Chenier gave a receipt for the above and a Barrel of Pork. Hubert had promised old McTavish to allow him to keep his own Gun, and a dagger, which he had got, from his Grandfather; but, he had scarcely turned his back before the Gun was gone. One of Chenier's people had it in his possession and I caused it to be returned. Chenier's Nephew, a Young Man, on whose countenance God has stamped, in large letters, "Thou art a Villian," stole the Dagger, and in spite of all my remonstrances would not return it. Such an example from such a man would of course be imitated by the people. By and bye, a looking Glass, a pair of Scissors, and even a Rosary were missed.—they began to steal sugar, and other articles.—As the two Cheniers could not be persuaded to put a stop to this pilfering, I requested Hubert and Pelletier to establish order among the people. Chenier had succeeded in persuading them that they had a right to take as their own, whatever belonged to the enemy. The Doctor /Chenier/ did not go to the Seminary, and, agreeably surprised me, by waiting for my orders. I entrusted to him, the command of my people, from St. James.—We both entered the House of the Priest—Dufresne. This fine Priest assured us that he had, neither arms, nor powder, and said that as the Cannon belonged to the Seminary, it could not, therefore, be given up—he, very justly, observed that it would not be much for our interest to indispose the Indians, against us. Commanding Chenier, to be orderly and moder-

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ate.—I returned and visited every post. After my return I was informed that the Chiefs of the Iroquois were waiting for me, I hastened to their Council House, where Dufresne, and a number of persons were waiting. I give here the whole of the Conversation.

Brother do you recollect, or has your Father, or Grandfather told you, that you, once belonged, to the Kingdom of France? 1st. Girod.

I have seen the French in the time of my Youth. Chief.

Were you satisfied with the Government? 2nd. Girod.

Our Father, the King of France, was a Good Father. Chief.

Are you, as happy, under, the English Government, as you have been, under the French? 3. Girod.

I would not like to say that.— Chief.

Are you not subject, to a Captain who takes from your yearly presents, to enrich himself? 4. Girod.

We have, every year, made useless complaints.— Chief.

Have you observed, that he receives large, and small, thick, and thin blankets, that he gives you, the small, and the thin, and keeps for himself the large, and the thick blankets? 5. Girod.

That is too true.— Chief.

Do you know that your Father, the King of England, has ordered that, after the death of an Indian Catholic Missionary, he would be replaced, by a Protestant?— 6. Girod.

I heard it; but, it is long since.— Chief.

Are the Indians inclined, to unite themselves, with the Protestant English, against the Canadian Catholics? 7. Girod.

Our soul is not united, by a Bond, with the Protestants.— Chief.

Would you not prefer to be considered, by the Canadians, as their equals, than, by the English, as their Slaves? 8. Girod.

We wish to remain as we are.— Chief.

The Canadians have suffered so much injustice, from the English Government, that they are resolved, to have nothing to do with them, any more; would you Join the British, to fight, against your white brothers? 9. Girod.

It is hard to chuse between the Father and the Brother; but we know that when the bark is taken from the Tree, the tree decays.— Chief.

You have received arms, from the English, to fight against us? 10. Girod.

We hardly have received what they owed us.—We have two Cannons, which we use, at the time of the procession.(a) Chief.

Will you sell them to us? 11. Girod.

We will not sell them.—When the storm raised the water of the lake, and the wind whistled over the waves, we heard a voice saying, "Thy brother, the Canadian, will come over the mountains and take away thy property, but I said to the voice I cannot believe that my brother will do me any harm, I will go over to him and tell him thou art my brother, and, surely, will not hurt me.—They slander thee, by such a report, but, should it prove true, recollect thou thyself that I am thy Brother, and, before thou strikest, examine thy heart, and thy courage".— Chief.

Your Brother never was your enemy, and never will be; but sell me your arms, I want to use them against my enemies and persecute them.—Where are thy Arms? 12. Girod.

The Guns I sold on the other side of the water, as soon as I received them; The Cannon I have concealed in this House. I will not sell them.—Will you take them by force from me?— Chief.

(a) The Procession of Fete Dieu or Corpus Christi.

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13. Girod.

Your Brother will not take your Property from you, but if you like to sell us your Cannon?—

Chief.

Speak no more about it, it pains me to hear it.—

14. Girod.

And if my enemy compels you to use them against me?—

Chief.

Brother I will not interfere in this dispute between you and Your Father, defend Your rights, and when I hear the thunder of your arms, I will consider in my breast whether I am not obliged to assist You.—You have acted as a wise man.—and if you have sown good corn in the Garden of Your Brother, You shall eat of his bread with him.—

Thus ended the conversation I think that the good will of these Sons of nature is a more precious booty, than I could possibly expect to find among our enemies.—Cherrier was, on my return, still, in the Seminary, disputing about Theology, politics, morals, and about the Cannon.—These topics were too much above my comprehension, to induce me, to take a share, in the discussion, So, I only communicated, to him what I had promised the Indians to do, and I repeated, to him, that we should not touch private property.—I took my dinner, as I had not tasted any thing, the whole day, and hastened afterwards, to the House of the Beadle of the Church, where I heard that the Cannon belonged to the Indians. I immediately sent an Order, to Chenier, not to take them, but he already of his own accord had resolved not to take them, and so we returned home.—At about five O'Clock, I arrived at St. Benoit, and met there Messrs. Brown, Montmarquet from Carillon.—They reported the state of the Country, in general, to be very bad, particularly between St. Andrews and St. Benoit; they stated, that they had come, of their own accord, to try, if they could bring matters, to a peaceable termination; "What he possibly could do" (said Brown) (he) "certainly would do."—he had influence, among the highest authorities, and he doubted not but, that, if we only kept quiet, all would go well, Yet.—I answered, that Government would grant a truce upon One condition, only which was, to hang fifty here, fifty there, and as many more, in ten other different places.—I told him, that, as they had no particular message, to us, I thought it my duty, to turn a deaf ear, to those proposals, and that to St. Andrews they had been misinformed.—It was not our intention to attack it, although we should have been justifiable in doing so, as troops had been sent thither.—The arming of the Volunteers, and the occurrences, on the South Side of the Saint Lawrence, had fully convinced us, as to the intentions of Government.—They requested a passport, for the next morning which I promised.—

Friday

1st December.

Brown and Montmarquet went away, about One O'Clock P.M. I was informed, that both of them had visited Mr. Belleau, the Priest, who reported, afterwards, in consequence of the conversation he had with them, that the leaders of Grand Brulé had come, to the determination of treating, with the Government, for the safety of their lives, and the preservation of their property.—leaving the inhabitants to their own fate.—The impression, that this report made on the people, rendered it necessary, to keep up strict order, among them. Towards evening, Brown returned, to go to Montreal. I examined him and he confessed, to have had a conversation, with Belleau, but by no means of that nature which I had mentioned—of which he gave me an acknowledgement in his own hand writing.—He, again, renewed

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his promises, to serve us.—He took his departure, the next morning for Montreal.—

I sent Chamilly and De Lorimer to the Priest, Belleau, the latter denied the whole, and I insisted upon his remaining at St. Hermas, and his leaving St. Andrews, as I had wished him to do, he only requested permission to go, to the latter place, to fetch the property he had there, and said he would return in a few hours. But; as soon as he was over the line, he sent a man back, to tell us, that he was determined not to return to St. Hermas, unless he were promised That he would not be troubled, by the villians of Grand Brulé.

Nothing particular occurred. The Priest, Chartier, declared, from the Pulpit, that for the defence of their rights, the people must come forward and fight. Girouard appeared, to be displeased at this. Messrs. Olier and Provost came from St. Anne Des Plaines; three days ago they offered one thousand men, out of their Parish.—they stated that the proclamation of the Magistrates as well as, the arrival of the Prisoners, and of the troops, which they had seen had entirely changed the inclination of the People. They said that we should not trust them, any more; Chartier took a part, in the Conversation, and accused Girouard, and the people of Grand Brulé of cowardice. In the whole of my life, my brains were never so put to the rack as this night.

I received information, that some of my people had allowed themselves to plunder the inhabitants.—I issued a Proclamation forbidding them, under severe punishment to do the like again.

All was in confusion, the Enemy was approaching, from Montreal and St. Andrews—all were on the alert. It was at length resolved to go to St. Eustache—the fortifications were properly secured, and I went thither in the night.

This morning I found in St. Eustache Twenty Eight men, all from the North. The inhabitants, since Scott deserted us, would not stir.

I am also assured that the troops, from Montreal, will attack us on three points. These are already at Saint Martin, One hundred and fifty regular troops. I sent Twenty five to Porteous Bridge, to break it down and to watch that post with four men. About Nine O'Clock the Volunteers, from the North began to arrive. It would not be an easy task, to describe the general confusion; possession was taken of those houses, which the inhabitants had deserted. Provisions must be provided. While one party had an abundance the other had scarcely a morsel to eat. The people are under the impression that the village has been delivered over, to them, for Plunder. With a deal of trouble, I saved the handsome furniture of Mr. Dumont, which I sent to Laviolettes. This family and the Massons I so far quieted that they promised to remain here. The Priest Paquin fled to his farm, where he remained quite ill from fear no doubt. Chenier is a lazy and foolish fellow—his Brother is a drunkard, and both cause a deal of confusion, through their bad example. I never in my life was so tired, as this day.

This day, there appeared to be more order—Brien acted, as Quarter Master, and shewed great activity. I saw the Priest Paquin, who began at last to be more quiet.—During last night a robbery was committed at Mr. Bellefeuilles house.—It was plundered of Thirty

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Three bushels of Corn, and of several valuable articles.—In consequence of Chenier's bad disposition, it will be impossible for me to discover the Malefactors.—I received information that Porteous' Bridge had been examined by an English Engineer, and that it was intended to repair it, especially as the middle Arch had been so little injured as to allow foot passengers to cross it. I despatched old Davis to demolish the Bridge entirely.—

I was informed that the English would leave their Cannon on the other side of the River.—Confusion still continued.—The Leaders would not remain, with the men, and I had some words Chevalier of the Petit Chicot, who was constantly in the House, and did not attend to his Company.—All this convinced me of the impossibility of accomplishing, with such people, any thing rational or conducive to the good of the cause.—

Friday 8th.

This morning, I called out all the Companies, to make them acquainted with the heads of the different departments, and to convince them of the necessity of discipline. Madame Bellefeuille had left her house, and had taken nothing, with her, but, some wearing apparel.—Laviolette assured me that the best order had been kept in this House during the night, between Wednesday and Thursday, it had been plundered; amongst other effects thirty three Bushels of Corn had been removed.—With this robbery, I am sure our people were in no wise concerned.—

This night they broke into the House of one Mitchell and, not satisfied with taking what they liked, they went, into the cellar and Staved a Puncheon of Rum.—the liquor filled the Cellar.

This appears to have been done, by the few Irish, who have joined Our people. Through the goodness of Laviolette, I shall be able to discover the Robber.—I was glad to see the indignation they expressed when, I reported, to the Assembly, the depredations, committed, as it would stamp us with the character of Robbers.—Madame Robillard, and her daughters have returned, and the Priest also. His address, this day, to the people, was what, it ought to have been always, recommending humanity and moderation, without losing sight of the enthusiasm, necessary, for the defence of their rights. Watts informed me, this evening, that a reward of Five Hundred pounds was offered for me, One Thousand for Papineau, and for Girouard, Brown, Scott, Chenier, Nelson and others, five hundred pounds each.

After the Meeting, I called together, the Staff to form a Plan, for the attack, and the defence, the procuring of Provisions, etc. Spies were numerous, and many were arrested.—

We determined, on an expedition to Saint Therese, and other places, our provisions encreased; but, order and economy were still wanting.—I was already, in bed, when Chammilly awaked me, and reported, that the Irish were killing one another. John Drougha was mortally wounded. He and his Brother were drunkards, and quarrellsome.—they were both put, under arrest.

In the Council of War, they determined, on an expedition to Saint Martin, and it was resolved, to send a Company thither, but Chenier whom I unfortunately allowed to grant passports gave out, that day, about four hundred.—I really believed the fellow, to be a Traitor.

It was reported to me that the Enemy had been, re-inforced at St. Martin.

Finis

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A Monsieur
Monsieur de Bougainville
Colonel
à Jiléri

J'ai dit à Fleurimond de
marcher de nuit avec les
sauvages et les Français qu'il
pourra rassembler, mais vous
savez les intentions
ce 5 ybre

réponse à vos deux lettres, le mouvement de
l'ennemi toujours embarrassant peut regarder
la communication et tendre à nous dégarnir
la comp^e de 7^{es}. Et le briguet de Guyenne
ont déjà des ordres pour vous joindre. cent
hommes de la colonie pour relever les 150
de est de St martin, et la Charette ne tardera
pas à vous joindre pour porter les outils
de poste de est de rumigny. observez bien
prenez toujours de l'avance avec votre camp
volant sur les batteurs et borges. bonne
fortune est tout ce qui y a à vous souhaiter

Monsieur de Bougainville

Apprends de la persécution que nous nous sommes à St Jean pour
Le ravage de l'anglais.

Jay toujours senti que St Jean pour le Depot de notre T. n'aurait
aucun avantage. Les Bâtiments dans une grande place, grand
de l'homme parait. Vous pouvez le dire à St Jean.

St Jean. Le Héros de Rome l'aurait de l'homme qui nous avait
fait avec lui pour la suite. Est une grande bien.

La saison ne permet pas de faire plus de progrès de la suite à St
Jean. Mais cela fera plus facile. Les les Héros et un autre
à l'été de la suite.

Je vous envoie les Lignes, une liste de Lignes des Héros de
la suite, St Jean qui St Jean. Mais une grande bien.
qu'il en soit bon.

Monsieur l'Officier de Royal Nouvelle. Si en l'occasion.

Un bon Du Capitaine de l'homme qui en son Héros de St
Jean qui nous en St Jean. Mais une grande bien.

Apprends de l'homme. Mais une grande bien. Mais une grande bien.

La saison ne permet pas de faire plus de progrès de la suite à St
Jean. Mais cela fera plus facile. Les les Héros et un autre
à l'été de la suite.

Je vous envoie les Lignes, une liste de Lignes des Héros de
la suite, St Jean qui St Jean. Mais une grande bien.
qu'il en soit bon.

Monsieur l'Officier de Royal Nouvelle. Si en l'occasion.

Un bon Du Capitaine de l'homme qui en son Héros de St
Jean qui nous en St Jean. Mais une grande bien.

2 montreal le 13 septembre 1869

j'ai reçu mon cher boulamague la lettre dont vous
m'avez honoré du 12 avec les Regrettes du
général amette que je fais passer a m^r de
sauterail et de montcalm, je pense que c'est
pres le retour de m^r Dattoat que ces lettres
vous sont parvenues quoique vous ne me le
mandiez pas. vous me mandez si a nabrega
l'article de la gabara et des sauvages que je
ne comprends pas trop ce que c'est.

je suis toujours impatient, et dans l'attente
des nouvelles du chef de la corne.

il y a un party de quarante sauvages du saule
qui estoit en marche pour vous rejoindre qui
ont relache sur la nouvelle du chef de la corne
j'ai envoyé pestun pour les faire reparter l'en-
despente, et je compte que vous les aurez
incessamment.

j'ai l'honneur d'être avec un très sincère
attachement mon cher boulamague votre
très humble et très obéissant serviteur
le chef de Paris



Quebec, 7 avril 1768

Le S^r Dechenau, monsieur, cher qui vous
logés a Quebec a aché une maison
qu'il ne sçait. il vouloit louer de pasture
ou il habitoit, dans la ville, mais je
m'y suis opposé. il souvient, que vous
sçavez en entier, d'ailleurs mieux - que vous
pourriez rester pendant l'hiver dans
l'appartement, ou il logeroit, parcequ'il n'y
fume pas. au moyen de cet arrangement
vous serez bien logé et commodément,
cette maison est la plus grande de la ville.

il ne sçaitoit présentement que de l'avoir
la façon dont vous voudriez faire l'amenage-
ment des appartements. Le S^r Dechenau
attendra a en être informé pour le faire et,
pour meubler en conséquence.

J'ai l'honneur d'être avec un très parfait et très
tendrement attachement, monsieur, votre très humble
et très obéissant serviteur *M. de Bourlamaque*

M. de Bourlamaque.

APPENDIX C
THE BOURLAMAQUE COLLECTION

THE BOURLAMAQUE COLLECTION

This collection comprises the papers—letters, instructions, memoranda of various kinds—preserved by Brigadier Bourlamaque at the close of the campaign, which terminated in the Capitulation of September 8, 1760. Bourlamaque came to Canada in May 1756, with Montcalm and de Levis, to whom he stood next in rank in the French armies, which fought in Canada during the Seven Years War. After a period of service at Fort Frontenac (Kingston), and Chouagen (Oswego, N.Y.), he was transferred in 1757 to lake Champlain, and was placed in command of the armies in that region. Here he remained until Amherst's advance compelled his retirement to St. Jean, and finally to Montreal in September 1760. Bourlamaque enjoyed the friendship and confidence of Montcalm. The letters therefore throw unusual light not only on the conduct of the campaign in the interior, but also, on the personalities and social conditions of the time regarding which Montcalm wrote with great freedom.

There are six volumes in the collection, the first three containing the correspondence of Montcalm, Vaudreuil, and de Levis with Bourlamaque. The fourth volume is entitled "*Lettres Variarum*", and as the title indicates contains the correspondence of several officers with Bourlamaque. The fifth and sixth volumes are miscellaneous in their contents.

The first volume—*Lettres Montcalm*—contains 616 pages, and 161 letters. Of these 150 are addressed by Montcalm to Bourlamaque and signed by him; and of this number 55 were written entirely by Montcalm. Outside this collection, there are very few Montcalm letters known to exist.

The second volume—*Lettres Vaudreuil*—contains 546 pages, and 128 letters and other documents. 113 of these are from Vaudreuil, and 13 from Bigot. Only one of Vaudreuil's letters was written by himself. None of the 13 signed by Bigot, were written by him.

The third volume—*Lettres Levis*—contains 451 pages and 124 letters. These are from de Levis, Bigot, Bougainville and others. Ninety-one letters are from de Levis, 35 being in his own hand.

The Fourth volume—*Lettres Variarum*—contains 328 pages and 87 letters. They are from Rigaud de Vaudreuil, Governor of Montreal, Doreil, Ordnance-Commissary, Major de Malartic of the Bearn Regiment, Brigadier Senezergues, and Captain D'Hébécourt, Bourlamaque's second in command at Carillon.

The fifth and sixth volumes—*Canada 1 Part*, and *Canada 2 Part*—are miscellaneous in character. Together the volumes contain 933 pages. They are made up of Bourlamaque's military commissions, as Colonel of Infantry, and as Brigadier; Governor's Ordinances; instructions from Vaudreuil and Montcalm; accounts of the progress of the campaign in the interior, written by Bourlamaque; copies of the articles of capitulation, and of the officers' protest, the latter drawn up by Bourlamaque; and letters from Amherst. There are also several letters from Ministers in Paris to Bourlamaque.

VOLUME I

Lettres Montcalm

Montcalm to Bourlamaque. L.S. Incorporation of volunteers. Plans in regard to the siege of Chouaguen; is awaiting up-country Indians; daily conferences held; his departure, and that of troops, delayed. Report of enemy march on (Crown) Point; Bourlamaque to advance and join de Villiers, and attempt siege, if possible; must at least create a diversion, in order to relieve the Point. Instructions *re* embarkation and withdrawal, should enemy return in force; also in regard to reconnaissance of the fort. His own departure for Carillon, and possible termination of campaign; has asked for clear instructions in regard to Bourlamaque's operations, and for boats needed in case of retreat. Representations made *re* possible enemy boat attack; informed that Bourlamaque has adequate instructions. pp. 1-4

1756

Montreal,
June 25.

Montcalm to Bourlamaque. L.S. Reports arrival of ships with troops, and news from France; Richelieu's unopposed landing; oath taken by inhabitants, Galissonière has left. British fleet wind-bound at Plymouth. March on Lake St. Sacrament confirmed; German families abandoned at Chibouctou, two years ago, have arrived at Quebec; will increase colony here; his own departure on the morrow. pp. 5-8

Montreal,
June 26.

De Bougainville to (Bourlamaque.) A.L.S. Conveying Montcalm's instructions *re* possible change of plans. Montcalm may remain at Carillon throughout the whole campaign. Enemy reported to be preparing for a great effort in that quarter. News received at Richelieu's landing at Mahon, and its surrender. Details of news from France; his own doings, etc. pp. 13-16

Montreal,
June 29.

From Abbé Picquet to A.L.S. Conveying prisoners' reports *re* strength of garrison at Chouaguen. Essential conditions unimproved, after more than a year's preparation. Letter received from Montcalm speaks of his eagerness to rejoin the writer; Vaudreuil, however, still undecided. His view of local lack of resources; nothing to fear, for some months, where his correspondent is. Has sent plan of attack to the Generals, will communicate it at the first opportunity; only intended to make him familiar with the place; anxious to avoid bloodshed. Reports de Villiers' meeting two (enemy) detachments going up and down Chouaguen river; greater part of garrison ready to surrender; would be more deserters but for fear of capture by Indians. pp. 9-12

July 10.

Montcalm to Bourlamaque. L.S. Pleased to hear of his safe arrival (at Frontenac). Particulars of his own doings, etc. Enemy captures two boats; seems to intend placing parties on Lake Champlain. pp. 17-20

Carillon,
July 14.

Montcalm to Bourlamaque. L.S. Referring to Vaudreuil's orders; need of haste, and of means of transport. Strict injunctions *re* baggage of officers on the march; will set the example himself. Operation should succeed or fail within less than 20 days; its importance and advantage for the regiments engaged in it. Rations to be taken. Other details. Is leaving on the 16th. pp. 21-24

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1756

Niaouré
Bay,
July 17,
(Now Sacketts
Harbour.)

De Combles to Bourlamaque. L.S. Reports safe arrival on 13th. Delayed by lack of food for the Canadians with him. Fears *re* scouting ordered, caused by total absence of Indians on his arrival; some have come in since. Johnson's lack of success with the Nations. Details *re* food supplied at Frontenac; matters of personal interest tells him he may be easy in his mind about the arrangement come to between the writer & de Villiers, as to a matter he was anxious about; they are both satisfied, and the service will benefit. Fears that very few Canadians will be fit to join his expedition.

pp. 25-28

Chouaguen
Camp,
Aug. 18.

Montcalm to Bourlamaque. L.S. Is sending him statement of arrangement come to in regard to prisoners; instructions *re* embarkation of sick at earliest moment. Various miscellaneous orders, *re* personal and other routine matters.

pp. 29-32

Montreal,
Nov. 24.

Copy of letter written by Montcalm to Battalion Commanders. Instructions *re* issue of stores, etc.

p. 33

(To Bourlamaque) L.S. Sending copy of above circular letter. *Re* unauthorized seizure of flour sent from Carillon. Particulars concerning certain officers; uniforms, playing cards, etc. *Re* validity of marriages contracted in Canada. (25th) Various items of news, from Carillon and Niagara. Pennsylvania Indians take up the hatchet in favour of French Ambassadors of Five Nations arrive. Vaudreuil's instructions *re* marriage of soldiers. Intendant fears expense of winter residence at Quebec.

pp. 33-42

1757

Montreal,
Feb. 20.

Montcalm to Bourlamaque. Partly autograph. Unsigned. His two letters received. Vaudreuil's arrival. Longueuil's mission to the Iroquois. Zeal of Canadians; promises made to them. Army to march in four divisions; points, and dates of departure; details of units; officers commanding. Cost of expedition; composition of companies. Instructions for Rigaud received from Vaudreuil. Personal matters.

pp. 45-52

Montreal,
May 12.

Montcalm to Bourlamaque. L.S. Various personal matters only.

pp. 53-56

Montreal,
May 14.

Montcalm to Bourlamaque. L.S. No news received of ships in the river; flour sent back to Quebec; rations to be reduced; this not to apply to Indians. Parties on their way to join Bourlamaque at Carillon. Recommendations as to disposal of latter's force. Various personal matters; arrival of Mesdames de St. Ours, Beaubassin, and Mlle. de Longueuil.

pp. 57-60

Montreal,
May 17.

Montcalm to Bourlamaque. L.S. Reinforcements for la Belle Rivière leave on Friday. Conferences with Indians. Various personal matters. Local gossip.

pp. 61-64

Montreal,
May 21.

Montcalm to Bourlamaque. L.S. *Re* delay of above reinforcements at Lachine. Has sent geographical and military memorandum to commandants of forts (on Ohio); plan for recapturing them if taken. Supplies might be sent in July by way of Lake Erie. Negotiations with Indians; hopes of success. Local gossip.

pp. 65-68

Montreal,
May 23.

Montcalm to Bourlamaque. L.S. Secret Indian negotiations made public; details of conference; demands of various tribes. News received from up-country; tribes from Detroit to Michillimakinac moving on Montreal; general news of danger on the Ohio. General details *re* Indian parties, etc.

pp. 69-72

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Montcalm to Bourlamaque. L.S. Further details *re* Indian negotiations; little confidence to be placed in them. His letter with enclosed returns received. Various routine military details.

1757
Montreal,
May 24
and 25.

pp. 73-76

Montcalm to Bourlamaque. L.S. *Re* party of Indians sent to him; their intentions, and the instructions given them.

Montreal,
May 26.

pp. 77-80

The same to the same. L.S. Hertel, from Louisbourg, on his way to Carillon; his influence with the Abenakis. Details of news from Quebec; arrival of two ships with supplies. Particulars of news from France, *re* various individuals, etc.

Montreal,
June 9.

pp. 81-84

Montcalm to Lt.-Col. Senezergues. L.S. Cipher letter received from France. The King has granted all the requests made for food, munitions, arms, and goods; also men required for ten new companies.

Montreal,
June 10.

pp. 85-86

Supplement with the latest news. L.S. (Relating to affairs in France, only.)

pp. 87-90

Montcalm to Bourlamaque. L.S. Expressing approval of all he has done. Supplies of various kinds about to be sent him at Carillon.

Montreal,
June 12.

pp. 91-94

Montcalm to Bourlamaque. L.S. News from Niagara; success of Indian raids; young English officer eaten by them. Better reports from Fort Duquesne; Indians appear to be well disposed; their successes. News from both quarters seemed, hitherto, to indicate threat of enemy attack; now seem to point to defensive action only on the Ohio, and an offensive on Lake St. Sacrament. Arrival of 250 Ottawas.

Montreal,
June 13.

pp. 95-96

Montcalm to Bourlamaque. L.S. Repeats Vaudreuil's approval of his proceedings. Need of equal attention to attack, and to defence, should enemy attack on Lake St. Sacrament be decided on. He is to act according to the necessities of the situation. Further reference to news (as above) from Niagara and Duquesne, under date of May 23. *Re* enemy's intention to act on the defensive there and to attack on Lake St. Sacrament. Vaudreuil's dispositions for immediate assemblage of army. Details of instructions given to various units.

Same date.

pp. 97-100

Montcalm to Bourlamaque. L.S. Reporting news received from Quebec, *re* various ships. Continuation of news from France.

Montreal,
June 16.

pp. 101-108

Montcalm to Bourlamaque. Mostly autograph. *Re* detachment of Ottawas; approves of his action. Hopes to have six or seven thousand men at Carillon within a month, act vigorously; with 1500 Indians. Particulars *re* departure of various units. Goes to Chambly on Monday, back on Thursday; flour sent from Quebec. Local gossip.

Same date.

pp. 109-112

Montcalm to Bourlamaque. Autograph. particulars *re* movements of troops, etc.

June 18.

pp. 113-116

Montcalm to Bourlamaque. Private. L.S. Returns to Montreal the next day. Plans *re* departure of army of 5000 men and 1400 Indians. Details *re* various units; dates of starting. Longueuil ordered to send 300 men from Quebec Government; difficulties caused by fears of Intendant and Bishop. Particulars *re* rations for march; instructions in regard to artillery; encampment of Colonial troops and Indians; supply of boats, etc.

Fort St. John,
June 20.

pp. 117-120

- 1757
Chambly,
June 21. Montcalm to Bourlamaque. L.S. Conveying Vaudreuil's instructions for the return of as many boats as possible. Various routine details. pp. 121-124
- Montreal,
June 23. Montcalm to Bourlamaque. L.S. Details *re* number of Indians expected. pp. 125-126
- Montreal,
June 24. Montcalm to Bourlamaque. L.S. Particulars of news received from France. pp. 127-129
- Montreal,
June 28. Montcalm to Bourlamaque. L.S. Particulars *re* departure of troops from St. John's; composition of army. Conveys Vaudreuil's instructions *re* care of Indian canoes; friendly relations with them; their employment near the fort; small guards to be attached to each band. pp. 131-134
- Montreal,
June 29. Montcalm to Bourlamaque. L.S. *Re* encampment of various units., De Levis' intentions. De Céloron to be sent to the Portage, if possible. Expresses strong approval of his course of action. pp. 135-138
- Montreal,
July 3. Montcalm to Bourlamaque. L.S. Thinks there is nothing more to fear on the Ohio; and that enemy intentions in regard to Louisbourg and Quebec have come to nothing. Reports Bauffremont's arrival at Louisbourg with six warships and a 70 gun ship captured from the British at San Domingo. News of movements of various other ships. pp. 139-142
- Montreal,
July 7. Montcalm to Bourlamaque. L.S. Has made no change in his plans; leaves Montreal on the 12th and St. John's the 13th. Marin starts that evening for Carillon; precautions to be taken by him on his march. Particulars *re* pitch and other supplies. Has just held conference with the Iroquois. pp. 143-146
- Portage
Camp,
July 27. Montcalm to Bourlamaque. L.S. Approves of his coming, with four days' rations; details *re* cooking pots, etc. pp. 147-150
- Portage,
July 28. Montcalm to Bourlamaque. L.S. Asks him to send a few boats for use at the Portage. Particulars of various routine orders given by him. pp. 151-154
- Same date
and place. Montcalm to Bourlamaque. L.S. Sending him letters of instructions for de Lotbinière and Desandrouins, as to coming with him. Orders for Dalquier; for Royal Roussillon brigade. pp. 155-158
- Same date
and place. Montcalm to Bourlamaque. L.S. Has only 232 boats; he may safely send 250; those coming from St. Frederic on the 31st will be sufficient. Bakers to rejoin their corps on the 29th or 30th. Date of his leaving Carillon, etc. Various routine details. pp. 159-162
- July 29. Montcalm to Bourlamaque. L.S. Powder horns; if any at Carillon, to be sent at once. Marching orders to be given to the troops. Other routine instructions. pp. 163-166
- Same date. Montcalm to Bourlamaque. L.S. Various routine instructions. pp. 167-170
- S. John's
Fort,
August 30. Montcalm to Bourlamaque. L.S. Conveying the General's orders in regard to the Canadians. Is leaving for Montreal the next day. pp. 171-174
- Montreal,
Sept. 3. Montcalm to Bourlamaque. L.S. His letters to be sent to de Levis, during his absence. *Re* certain promotions. Autograph list of ships captured on their way to Canada, with notes thereon. pp. 175-178
- Same place
and date. Montcalm to Bourlamaque. Autograph. Is leaving on Saturday or Sunday, should de Levis arrive. Vaudreuil expected in Quebec at the end of October. pp. 179-180

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Montcalm to Bourlamaque. L.S. Orders and instructions *re* soldiers absent without leave; to be published. Vaudreuil to issue a proclamation on the subject. pp. 181-182

1757
Montreal,
Sept. 7.

Montcalm to Bourlamaque. L.S. Is leaving the next day for Quebec; will return thence after installing him there; urges him to come as soon as possible. Requests him to report to de Levis, *re* troops, boats, etc. Instructions to be given to d'Hébécourt. Particulars *re* vacancies, honours granted, etc. pp. 183-186

Montreal,
Sept. 9.

Montcalm to Bourlamaque. L.S. *Re* a certain deserter. Reports constant mention of Ile Royale and the shortage of bread. pp. 187-190

Quebec,
Sept. 20.

Montcalm to Bourlamaque. L.S. Personal, and various routine military matters. La Mothe to remain as Captain at Carillon; *re* Bourlamaque's house at Quebec. Last ships to leave at the beginning of November. pp. 191-194

Quebec,
Sept. 25.

Montcalm to Bourlamaque. L. not Sgd. Reports the General's movements. Sailing of packet for Plymouth with 150 English. Local gossip. pp. 195-198

Quebec,
Oct. 1.

Montcalm to Bourlamaque. A.L.S. Has instructed commanders of regiments named to report to him on matters relating to their units. Also to send in detailed returns *re* soldiers' marriages. Particulars of other instructions given. pp. 199-201

1758.
Quebec,
Feb. 18.

Montcalm to Bourlamaque. L.S. News of de Levis. De Langy's raid, and return to Carillon. British collecting large stores of food between Lydius and Orange. Local gossip; card playing, etc. pp. 203-204

Montreal,
March 3.

Montcalm to Bourlamaque. L.S. Particulars of local gossip only; *re* marriage to take place, shortly; Le Noir—Herbain. pp. 205-210

Montcalm to Bourlamaque. A.L.S. Enclosing Intendant's letter. Was not informed of orders given *re* Ohio, St. John River, etc. Bourlamaque likely to be sent with first corps'; its composition. Levis to form advance guard, should enemy move rapidly from Fort George. Particulars of Levis' movements; Rigaud's, Vaudreuil's, and his own, in certain contingencies; one battle gained would save the colony. Advises him, in the event of capitulation, to retire to Louisiana with his corps. pp. 211-214

Montreal,
March 3.

Montcalm to Bourlamaque. A.L.S. Various particulars *re* Vaudreuil's plans; de Levis' and his own. Fears melting ice will interfere with Vaudreuil's proposed movements. His own ambitions. Instructions to be given to Arnoux *re* workmen. pp. 215-216

Montreal,
March 7.

Montcalm to Bourlamaque. L.S. Sending him a letter. pp. 217-218

Montreal,
March 8.

Montcalm to Bourlamaque. L.S. Local gossip. Vaudreuil constantly in the country. Routine military matters. pp. 219-222

Montreal,
March 10.

Montcalm to Bourlamaque. L.S. Same subjects. pp. 223-224

Montreal,
March 12.

Montcalm to Bourlamaque. Autograph. Force of 600 Canadians, Acadians, etc., sent to Louisbourg. A great plan under consideration in regard to Lydius Orange and Corlar, etc. His proposal likely to be less acceptable than Mercier's thorns *v.* roses. pp. 225-228

Montreal,
March 14.

Montcalm to Bourlamaque. L.S. Enclosing return of troops in the British colonies, as supplied by an intelligent prisoner; is sending it to France. Also, summary of news from Carillon. pp. 229-232

Montreal,
March 16.

Marcel to Bourlamaque. A.L.S. Conveying d'Hébécourt's account of action at Carillon, with return of killed and wounded, etc. pp. 233-236

Montreal,
March 19.

1758.
Montreal,
March 23. Montcalm to Bourlamaque. A.L.S. Routine military matters.
pp. 237-240
- Same date
and place. Montcalm to Bourlamaque. Autograph. Giving news of English in
Virginia, and names of colonels arrived from England during pre-
vious year. pp. 241-242
- Montreal,
March 28. Montcalm to Bourlamaque. L.S. Account of Abenakis raid in the
direction of Boston. Arrival and examination of prisoners. Reported
recall of Lord Loudoun, and arrival of Lord Lothian. British plan-
ning all winter an attack on Carillon. Supplies lacking there.
pp. 243-246
- Montreal,
March 30. Montcalm to Bourlamaque. A.L.S. *Re* British plan of attack on
Carillon. Routine military matters; return called for, etc.
pp. 247-250
- Montreal,
April 6. Montcalm to Bourlamaque. L.S. Routine military and general
matters. pp. 253-256
- Montreal,
April 8. Montcalm to Bourlamaque. Autograph. Copy of letter addressed
to Battalion Commanders in the Government of Montreal. General
orders and instructions. pp. 257-259
- Montreal,
April 9. Montcalm to Bourlamaque. L.S. Enclosing Intendant's letter. Per-
sonal matters *re* Cadets, commissary general. Is to consult with
Deschenaux *re* alterations to a house. pp. 261-264
- Same date
and place. Montcalm to Bourlamaque. Autograph. Personal matters only.
pp. 265-268
- Montreal,
April 10. Montcalm to Bourlamaque. L.S. News received from Niagara and
Frontenac. British efforts to detach the Five Nations from France.
Instructions to be given to Battalion commander in relation to con-
stant abuses. pp. 269-272
- Montreal,
May 3. Montcalm to Bourlamaque. L.S. *Re* movements of units therein
named. Instructions to be given. pp. 273-276
- Montreal,
May 4. Montcalm to Bourlamaque. A.L.S. Instructions *re* various routine
military matters. Local gossip. Matters of personal interest, *re*
Pean, Dumas, Vaudreuil, Rigaud and Deschenaux. pp. 277-283
- Montreal,
May 7. Montcalm to Bourlamaque. L.S. News received from Europe; *re*
expedition against Rochefort; particulars concerning various British
commanders, etc.; Webb's inaction blamed by British colonists; fire
at Fort Lydius. News concerning Fort Edward, Pennsylvania, Fort
William Henry, Virginia, etc. No prisoners made at Carillon. News
contained in captured letter from Graham at Fort George to Grant
at Fort Edward; signals to be made from fort to fort as far as Orange,
to notify arrival of French. Loudoun at Saratoga. (Extract of Hébécourt's
letter of May 2). Particulars concerning Carillon (May 8).
Intendant's letter *re* unnecessary departure of a second vessel.
pp. 285-292
- Montreal,
May 12. Montcalm to Bourlamaque. A.L.S. Instructions, etc., in regard to
units named; with return of their numbers. News *re* Genl. Hopson,
Governor of Louisbourg. pp. 293-296
- Montreal,
May 13. Montcalm to Bourlamaque. Autograph. Routine military matters.
pp. 297-300
- Montreal,
May 15. Montcalm to Bourlamaque. A.L.S. No news from Hébécourt.
Enemy activities at Fort St. Frederic, and at Cape Diamond, details
of captures. Letters received from the Illinois, the Bay, St. Joseph,
etc.; none from the Ohio. Enemy blow at the Bay; Indian raid in

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- the Illinois. Macarty to send supplies to the Ohio. Enemy posting men everywhere at Thioga and Fort Bull. pp. 301-304
- Montcalm to Bourlamaque. Autograph. (19) Routine military matters. News from Frontenac and La Présentation; the Agniers have replied to the collar sent them by the Sault Iroquois in November, to bring them back to the French. Details of news from La Présentation. Enclosing letters to be sealed and delivered. pp. 305-310
- Montcalm to Bourlamaque. A.L.S. Has received his letter *re* enemy dispositions. Particulars *re* movements of various units. News from Carillon. pp. 311-314
- Montcalm to Bourlamaque. Autograph. Complaints of Vaudreuil's belief in reports of "low flunkkeys." Local gossip, relations between Vaudreuil himself, and de Levis. News from France. pp. 315-320
- Montcalm to Bourlamaque. L.S. Enclosing orders *re* departure of regiments named for Carillon. Bourlamaque to command there. Same date and place. pp. 321-324
- Montcalm to Bourlamaque. L.S. Same subject. Subjoins autograph copy of letter from France, *re* his personal affairs; official praise of his success at Fort William Henry. pp. 325-328
- Montcalm to Bourlamaque. A.L.S. *Re* an expedition "à la Canadienne", under "Brother Rigaud". News from France; French and British military promotions compared. pp. 329-332
- Montcalm to Bourlamaque. A.L.S. *Re* a young volunteer of La Sarre regiment. pp. 335-336
- Montcalm to Bourlamaque. L.S. News from Louisbourg of Dec. 5, would have been welcome, had it come in March. Sends his letters from the War Office. Particulars of news from France. pp. 337-340
- Montcalm to Bourlamaque. Autograph. English prisoners leaving for Halifax and London. Has drawn up, for Vaudreuil, a report to de Moras, *re* the capitulation (of Frontenac), v.p. 349, which will be printed. Particulars *re* movements of ships, troops, etc. pp. 343-344
- Montcalm to Bourlamaque. A.L.S. *Re* his letter to the Intendant, and the latter's reply. Details of rations at Carillon. pp. 345-348
- Montcalm to Bourlamaque. L.S. News herewith received from Scottish officer sent to treat of capitulation of Frontenac. Thinks enemy will winter on Lake George. Expects to remain thirty or forty days longer. pp. 349-350
- Montcalm to Bourlamaque. A.L.S. Enclosing unsealed letter addressed to the Intendant. pp. 351-352
- Montcalm to Bourlamaque. A.L.S. Is in a position to win a battle; has 1,800 very good combatants, and 200 Indians; does not think, however, that enemy will come. Scouting parties sent south and north. Wishes news from Quebec were better. pp. 353-356
- Montcalm to Bourlamaque. Autograph. Giving him news of various successful actions at Carillon. Details *re* British commissions, dated New York, Jan. 14. pp. 357-360
- Montcalm to Bourlamaque. A.L.S. General news, *re* enemy, military matters, etc. pp. 361-364

- 1758
Carillon,
Oct. 25. Montcalm to Bourlamaque. L.S. Enclosing his letter to the
Intendant, *re* shoes and caps required. Personal matters. Expects
to pass part of winter at Montreal. pp. 365-368
- Carillon,
Oct. 27. Montcalm to Bourlamaque. A.L.S. *Re* quarters for two officers
named. pp. 369-372
- Carillon
Camp
Same date. Montcalm to Bourlamaque. A.L.S. Enemy to winter on Lake St.
Sacramento. Details of winter quarters for various units named.
pp. 373-376
- Same place.
Oct. 31 Montcalm to Bourlamaque. A.L.S. Is leaving Nov. 4; the others
on the 6th. Instructions given to Colonels of regiments named.
pp. 377-380
- Carillon,
Nov. 1. Montcalm to Bourlamaque. L.S. *Re* a certain M. Dorseval. Per-
sonal only. pp. 381-384
- Montreal,
Nov. 4. Montcalm to Bourlamaque. A.L.S. Routine military matters. Local
gossip. pp. 385-388
- Montreal,
Nov. 11. Montcalm to Bourlamaque. L.S. Reporting his arrival. No news
from the Ohio. There will be no winter campaign. pp. 389-392
- Montreal,
Nov. 15. Montcalm to Bourlamaque. Autograph. Complains that everything
is done too late. Early cold; distress of convoys and recruits on their
way to Niagara, and La Présentation. Delay of supplies for Carillon.
Routine military, and personal matters; the Ohio to be given up, if
unavoidable; has given La Mothe's leave to go to Quebec.
pp. 393-396
- Montreal,
Nov. 27. Montcalm to Bourlamaque. Private. Autograph. De Levis pleased
with news from the Ohio, brought by de Rocheblave. Sedition among
Canadians, in regard to their return to Montreal. Gluttony and pecu-
lation of officers, "like mandarins"; contentment, drunkenness, and
theft of Indians. Rocheblave will not report to Vaudreuil or Bigot;
is right. No one to go on scouting parties; Indians grown accustomed
to be paid for doing so. Thinks, if the war lasts, there might be
profit in losing it. Contemplates retiring to Louisiana; preparations
needed in such an event. Four days would suffice for his with-
drawal to the Illinois, should the enemy become master of Quebec and
St. John's. Thinks British will persist in their designs on the Ohio;
de Rocheblave's report of his discoveries. Details *re* Detroit;
Ligneries out of provisions. Benoit complains of harsh letters signed
by Vaudreuil without being read. Has not slept since the thefts on
the Ohio; "poor King, poor France, dear country." pp. 397-400
- Montreal,
Nov. 29. Montcalm to Bourlamaque. L.S. *Re* General Abercromby's recall.
pp. 401-404
- Montreal,
Dec. 8. Montcalm to Bourlamaque. L.S. *Re* Canadians sent to Niagara,
boats, etc. pp. 405-406
- Montreal,
Dec. 9. Montcalm to Bourlamaque. A.L.S. States his reasons for not
attacking Fort Lydius, after fall of Fort William Henry. Local gossip.
pp. 407-410
1759.
Montreal,
March 7. Montcalm to Bourlamaque. L.S. No movements likely before May
20, except the detachment for Niagara. pp. 411-414
- Montreal,
March 8. Montcalm to Bourlamaque. Autograph. Details *re* Frontenac,
Niagara, the Illinois, the Ohio, Detroit, etc. News from Acadia. Pos-
sible feint attack on Quebec. Conditions at Carillon; or "coup de
main" might be carried out. Has betted on news before May 10.
pp. 415-418
- Montreal,
March 11. Montcalm to Bourlamaque. L.S. Sending latest news from Carillon.
Doubts of another army, should it be necessary to pass another winter

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- in Canada. Is leaving soon. Census completed. Withdrawal of La
Présentation Indians. Local gossip, *re* ministers; his own attitude.
pp. 419-422 1759
- Montcalm to Bourlamaque. Autograph. News from Detroit, Mi-
chillimakinac, and Fort Machault; British fortifying themselves. At
Niagara the Five Nations report 5,000 men rebuilding Chouaguen.
pp. 423-424
- Montcalm to Bourlamaque. A.L.S. Local gossip. Details of units
sent to him. pp. 425-426 Montreal, March 12.
- Montcalm to Bourlamaque. Autograph. News from Louisiana; *re*
British and Spaniards; many settlers returning to France. Siege of
Fort Duquesne. Good reports from Michillimakinac, St. Joseph,
Detroit and the Ohio; loyalty of the Indians. Cost of preparations for
siege of Fort Lydius. British in force at Fort Duquesne.
pp. 427-430
- Montcalm to Bourlamaque. A.L.S. Garrison of Niagara to be sent
back at the end of March. Details of its composition. pp. 431-434 Same place
and date.
- Montcalm to Bourlamaque. Autograph. Local gossip *re* matters
not relating to himself; and routine military matters. De Levis;
and possibility of peace by following winter. His own longing to
return to France; Quebec less wearisome than Montreal, but only
by comparison. pp. 435-438 Montreal, March 18.
- Montcalm to Bourlamaque. Autograph. Local gossip. Sends him
plan of Fort Lydius. pp. 439-442 Same place
and date.
- Montcalm to Bourlamaque. A.L.S. *Re* possibility of British feint
attack towards Carillon. Local gossip, concerning the Intendant;
his view of his own duty in the matter. pp. 443-446 Montreal, March 19.
- Montcalm to Bourlamaque. A.L.S. Levis' view of possibility of
saving the Colony. Personal matters; *re* his letters to the War
Minister, etc. pp. 447-450 Montreal, March 22.
- Montcalm to Bourlamaque. Autograph. Instructions given to re-
connoitre positions to be taken up on the rapids; to be done by those
who will defend them. Possible British attack on Niagara; forces
available, from the Illinois, Detroit, and the Ohio. Insufficient guard
kept at the Cedars. Retail opinion expressed by Deschambault;
24,000 men needed; where he would place them; how to obtain sup-
plies. Mercier's view; de Lotbinière's. The latter working night
and day on a plan for 1760. Levis will answer for 1759. "They are
great rogues." pp. 451-454 Montreal, March 23.
- Montcalm to Bourlamaque. A.L.S. Fears enemy action in the di-
rection of La Présentation. Routine military, and personal matters.
Plan of campaign to be followed "if Amherst does not upset it."
pp. 455-458 Montreal, March 31.
- Montcalm to Bourlamaque. L.S., with autograph postscript. Re-
ports Vaudreuil's wish to assemble a force at Carillon, in advance of
the enemy; instructions *re* units composing it. Bourlamaque to march
with it; his instructions. News of loss of Niagara. pp. 459-462 Montreal, April 16.
- Montcalm to Bourlamaque. L.S. News from Niagara, Fort Ma-
chault, Detroit, and St. Joseph, with respective dates. Colonel Johnson
reported to have said that main operations would be at Carillon and
perhaps at Quebec. Party sent to Fort Bull; de Ligneris to be rein-
forced, should Niagara be safe. Various Indian successes; British
barge defeated; advance guard of 400 to 900 enemy on their way to

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1759.

Fort Machault. Prisoners' reports *re* events following the fall of Fort Duquesne. News from Detroit, etc. pp. 463-466

Montreal,
May 15.

Montcalm to Bourlamaque. L.S. Personal matters; his promotion; his standing in France, "the man of the hour". Other promotions. Merchant fleet arrived at Laprairie. pp. 467-470

Montreal,
May 18.

Montcalm to Bourlamaque. L.S., with autograph postscript. Routine military, and personal matters relating to Bourlamaque and others. Departure next day for Quebec. pp. 471-474

Montreal.
May 20.

Montcalm to Bourlamaque. L.S. Enclosing despatches for the de Berry regiment. Departure next day for Quebec. Isle aux Noix to be fortified; messengers sent up country. He will receive detailed instructions from Vaudreuil, twenty hours after this; arising out of a long despatch from the court. pp. 475-476

Same place
and date.

Montcalm to Bourlamaque. L.S. Instructions *re* his garrison (at Carillon) during his absence. Details of units to be employed. Exchange of sick, wounded, and prisoners of war, arranged with Genl. Conway (two articles quoted). *Re* thefts committed by deserters. pp. 477-482

Quebec,
May 24.

Montcalm to Bourlamaque. L.S. Enclosing letter to Genl. Amherst *re* execution of Cartel. News of British fleet. pp. 483-484

Quebec,
May 25.

Martel to Bourlamaque. A.L.S. Reporting Vaudreuil's arrival at Quebec. Particulars of news *re* British fleet. pp. 485-486

Quebec,
May 29.

Montcalm to Bourlamaque. L.S. De Levis arrived at Quebec. British fleet at Laprairie; (Ile-au-Coudres); only fourteen sail. pp. 487-488

Quebec,
June 2.

Montcalm to Bourlamaque. A.L.S. Particulars of measures taken for the defence of Quebec. pp. 489-490

Quebec,
June 4.

Montcalm to Bourlamaque. Private. L.S. *Re* the latter's commission; should have been de Levis'. His business to hinder the enemy as much as possible. Importance of "useless" works. Post to be put in the best state possible; artillery; use of flotilla; *re* value or otherwise of Hocquart Peninsula. pp. 491-494

Duplicate of foregoing, unsigned. pp. 495-498

Quebec,
June 5.

Montcalm to Bourlamaque. L.S. Importance of his flotilla to safety of frontier; its composition. Increase of British ships. Particulars of measures taken for the defence of Quebec. pp. 499-502

Quebec,
June 6.

Montcalm to Bourlamaque. L.S. Complaint received *re* condition of xebecs; to be used, such as they are. Vaudreuil's orders *re* arming of two barques. Refers to previous letter. pp. 503-504

Quebec,
June 11.

Montcalm to Bourlamaque. L.S. *Re* enemy ships near the "traverse". Expects to have the needful 15 days; will then await them with great courage and good hope, notwithstanding inferiority of forces. Particulars of enemy movements; bridges on the St. Charles river; redoubts and other works at Beauport, etc. Has great hopes of fireships. Personal matters. pp. 505-508

Quebec,
June 14.

Montcalm to Bourlamaque. L.S. Personal matters. Particulars *re* British ships. pp. 509-510

Quebec,
June 15.

Montcalm to Bourlamaque. L.S. Has nothing to add to his previous letters. Particulars *re* proposed movements of troops. pp. 511-512

Quebec,
June 18.

Montcalm to Bourlamaque. L.S. Regrets loss of gunners. Mercier's ineffective trick against the enemy. Delay of enemy ships; expects nothing serious for three weeks; particulars *re* enemy ships. pp. 513-514

SESSIONAL PAPER No. 23

- Montcalm to Bourlamaque. L.S. Plans to send back the Three Rivers and Montreal forces altered on news from Amherst; 132 sail anchored on the 18th. Much yet to be done. Would like a southwest wind for 13 days. pp. 515-518 1759. Quebec, June 21.
- Montcalm to Bourlamaque. L.S. Enclosing extract of letter received from Amherst, and his own reply, unsealed, to be forwarded. pp. 519-520 Quebec, June 25.
- Montcalm to Bourlamaque. L.S. Particulars *re* enemy ships; difference between British and French; pilots liars or ignorant. pp. 521-522 Same place and date.
- Montcalm to Bourlamaque. Autograph. Strictly confidential. Possibility of saving Canada in 1759. Enemy plans; Amherst to attack Carillon; Wolfe, Quebec. The King forbids any capitulation; the "shameful conduct" of Louisbourg to be avoided. Vaudreuil ordered to do nothing without Montcalm's advice. Talk in Paris of peace after this campaign; details of news from France. pp. 523-525 Same place and date.
- Montcalm to Bourlamaque. Particulars of army encampment. Details of enemy positions; astride the St. Lawrence river. pp. 529-532 Beauport Camp, July 2.
- Montcalm to Bourlamaque. L.S. Same subjects. pp. 533-536 Beauport Camp, July 5.
- Montcalm to Bourlamaque. L.S. The general in chief's presence adds to his labours. Complains of de Levis' obstinacy; the latter's opinion out-weighs that of the army and of Montcalm himself. 3,000 minots of grain found in Montreal Government. pp. 537-540 Beauport Camp, July 7.
- Montcalm to Bourlamaque. L.S. General military details. pp. 541-544 Camp, July 16.
- Montcalm to Bourlamaque. L.S. Relative positions of the two armies. pp. 545-548 Beauport Heights Camp, July 20.
- Montcalm to Bourlamaque. L.S. Position unchanged. A "little correction" of the enemy marred by impatience of Indians; might have led to a quasi-general engagement. pp. 549-552 Headquarters, Beauport, July 27.
- Montcalm to Bourlamaque. L.S. Enclosing letter to Genl. Amherst, in reply to his of the 17th. Position unchanged. British General's sole aim seems to be to crush and ruin the town. Recent bombardment turned out in favour of the French; events, up to the present, will decide nothing. He is to use his flotilla, whenever likely to be useful. pp. 553-554 Beauport Camp, July 30.
- Montcalm to Bourlamaque. L.S. Enemy batteries unmasked on Montmorency Heights, July 31; two frigates anchored close to French entrenchments. Detailed account of various military movements; repulse of enemy; frigates abandoned and burned; slight losses of French. Good behaviour of troops and Canadians. pp. 555-558 Beauport Camp, Aug. 1.
- Montcalm to Bourlamaque. Autograph. Expressing warm approval of his conduct. Thinks Wolfe will make another attempt soon. Possibility of attack at Isle aux Noix. pp. 559-562 August 6.
- Montcalm to Bourlamaque. L.S. *Re* defence of Isle aux Noix; difficulty of turning his position. Road known to Indians, not to enemy. In any case, it involves a thirty mile portage; enemy's means lacking. Describes what he would do. Regrets that he cannot come in touch with the enemy; is confident after events of July 31, that they would be defeated were they to commit themselves. They have, however, taken up unassailable positions. Again urges him to make the best use possible of his flotilla. pp. 563-566 August 8.

1759.

August 9.

Montcalm to Bourlamaque. Autograph. Niagara taken; garrison prisoners of war. Lower town set on fire the previous evening. Two enemy attempts at landing repulsed at Point aux Trembles.

pp. 567-570

August 11.

Montcalm to De Lisle (Vaudreuil's Secretary). L.S. Reporting a "Second edition" of the bombardment of July 26. Respective losses.

pp. 571-574

Camp,
Aug. 19.

Montcalm to Bourlamaque. L.S. Has read his report with much pleasure. Vaudreuil and himself of one mind. Should pay no attention to the gossip of Montreal. Had he and Vaudreuil listened to public clamour, the colony would have ceased to exist. Will do their best to save it. Criticism of de Levis; credit of Isle aux Noix campaign will rest with Bourlamaque.

pp. 575-578

Montreal,
Aug. 20.

De Levis to Bourlamaque. L.S. Details concerning de Repentigny's detachment, of Aug. 17. Strength of enemy camp St. Antoine, opposite Pointe aux Trembles.

pp. 579-580

Montreal,
Aug. 20.

Rigaud to Bourlamaque. L.S. *Re* sixty men asked for; Indian parties sent out. Will have to send him up-country Indians, to be made use of.

pp. 581-582

Montreal,
Aug. 24.

De Levis to Bourlamaque. L.S. Report of enemy attack at Deschambault.

pp. 583-584

August 26.

Montcalm to Bourlamaque. A.L.S. *Re* his possible recall; writes as friend, not as general. Will give him de Levis' post, should he come to Quebec. Personal matters.

pp. 585-588

Falls Camp,
Sept. 1.

Montcalm to Bourlamaque. L.S. This month will be decisive for the colony; enemy busy in disturbing communications above Quebec. His part always the most critical of all.

pp. 589-592

Sept. 2,
3 a.m.

Montcalm to Bourlamaque. L.S. Detailed report of existing conditions. *Re* Amherst's march. Wolfe's probable course of action.

pp. 593-596

Sept. 8.

Montcalm to Bourlamaque. A.L.S. Details of various enemy movements.

pp. 597-600

Sept. 11.

Montcalm to Bourlamaque. A.L.S. Asks what his plans are for winter quarters. "Quebec invested will be uninhabitable, and we shall have no troops there." Gives the enemy at least one month of winter.

pp. 601-604

Quebec,
Sept. 14.

De Bernets to Bourlamaque. A.L.S. Announcing Montcalm's death.

pp. 609-612

Charlesbourg,
Sept. 18.

Bougainville to Bourlamaque. A.L.S. Announcing Montcalm's death. Account of surprises at L'Anse des Mères; enemy landed at midnight; news reached him at 8 o'clock. Details of subsequent battle.

pp. 605-608

Isle aux
Noix,
Sept. 22.

Bourlamaque's answer to the foregoing letter. Considers winter's position "most brilliant", is sure de Levis will not leave the enemy in the position taken on the 13th. He is impatiently awaiting the enemy; does not think they will attack an entrenched camp of such strength as his. Regrets personal losses of the 13th, rather than any effect it can have on the fate of the colony.

pp. 613-615

NOTE.—There is an almost indecipherable letter on p. 616, which does not, however, appear to be of any historical interest.

VOLUME II

Lettres Vaudreuil

Vaudreuil to Bourlamaque. L.S. Learns that enemy intend to send a force of 2000 men to Carillon, and to act on the defensive at Chouaguen. Details of measures which he proposes to take in consequence. Soldiers at Frontenac not to be sent away. Necessity of maintaining de Villiers in his position; is sending an order to be carefully carried out. Instructions *re* works at de Villiers' camp. *Re* British ships on Lake Ontario; means to be taken for their capture. Returns of provisions to be sent to him. News from France.

1756.
Montreal,
June 28.

Vaudreuil to Bourlamaque. L.S. Will hasten despatch of supplies to Frontenac, for his proposed expedition. Instructions *re* boats and canoes.

pp. 1-8

Montreal,
July 4.

Vaudreuil to Bourlamaque. L.S. *Re* pickets asked for by de Villiers. Instructions given to La Valterie *re* boats, guns, and ammunition. Bourlamaque to give special attention to expediting artillery preparations.

pp. 9-12

Montreal,
July 11.

Vaudreuil to Bourlamaque. L.S. Has received his letter, and de Villiers' report. La Sarre regiment to await Montcalm's arrival at Niaouré bay.

pp. 13-16

Montreal,
July 15.

Enclosing extract of contract made with the Cadets, for the supply of provisions in Canada. Their Clerks, etc.; to have all facilities; employees to obey them. (Extract follows.)

pp. 17-20

1757.
Montreal,
May 10.

Vaudreuil to Bourlamaque. L.S. Reporting arrival of two merchant ships. Sends him copy of letter from Court; reinforcements asked for will be sent.

pp. 21-28

Same place
and date.

Vaudreuil to Bourlamaque. L.S. Thanks for report on Fort St. John. Lack of medicines at Carillon. Provisions; pork, flour, etc.

pp. 29-32

Montreal,
May 12.

Bigot to Bourlamaque. L.S. Large supplies of medicines found in Surgeon Boisard's house, notwithstanding his denial of having any: to be replaced. "Cannot stand such rogueries". Frequency of thefts at the various forts.

pp. 33-35

Quebec,
May 13.

Vaudreuil to Bourlamaque. L.S. *Re* shortage of provisions. Scale of rations to be issued.

pp. 37-40

Montreal,
May 14.

Vaudreuil to Bourlamaque. L.S. Pleased at success of parties sent to Fort Lydius and Fort George; prisoners report enemy in activity at latter place. Loudoun's movements. Commendation of Le Borgne and De Boucherville; good effects of their activity. Rapids and portage camps to be reinforced at once. Routine military details. Particulars *re* Indian parties sent out.

pp. 41-44

Montreal,
May 26.

Bigot to Bourlamaque. A.L.S. No ships arrived yet. Does not believe that they have all been captured; thinks France has armed all ships, and that merchant vessels have been delayed. Various routine details.

pp. 45-52

Quebec,
May 28.

Vaudreuil to Bourlamaque. L.S. (with autograph postscript). Why schooner Vigilant was delayed; well for soldiers to learn to manage boats. Anxious to learn return and success of the parties sent out by him. Routine matters. (P.S.) Hopes hundred Indians,

pp. 53-56

Montreal,
June 2.

1757.

of various tribes, have reached Carillon. Arrangements *re* Indian parties. Will soon send him as many young colonial officers, to be usefully employed. pp. 57-60

Same place
and date.

Vaudreuil to de Fontbonne. L.S. Is sending Desandrouins, engineer, to Frontenac, to push on work of fortifications. Instructions *re* workmen to be assigned to him; scale of soldiers pay. Refers him to Montcalm's instructions *re* training soldiers in local methods of warfare; are to be strictly adhered to. *Re* cannon balls and artillery. pp. 61-68

Montreal,
June 4.

Vaudreuil to Bourlamaque. L.S. Regrets that Indian party was not strong enough to attack a passing convoy. Various routine details and instructions; arrival of gunners and workmen at Carillon; boats to be sent thither at the first favourable wind; otherwise to land at St. Frederic. Report that enemy are keeping close at Fort Lydius; troops seen marching to Fort George probably intended to form a camp there; sees nothing out of the way in said movements; enemy appears more inclined to act on the defensive than on the offensive. *Re* Hertel and La Framboise's scouting party; Indians sent to him; works at Carillon, etc. pp. 69-76

Montreal,
June 8.

Vaudreuil to Bourlamaque. L.S. Departure of promised detachment under the command of de Varennes. Is expecting 4,000 Indians from Michillimakinac; difficulty of feeding them; great scarcity of provisions; regrets that he cannot attack the enemy in force; would have been able to take Fort Lydius and Fort George. pp. 77-80

Montreal,
June 12.

Vaudreuil to Bourlamaque. L.S. Regrets failure of Indian party to come up with returning enemy scouting party; urgent need of taking prisoners. Detailed instructions *re* employment of commissary (general's) boats; terms of their engagement; escort to be provided. Two ships arrived from France. pp. 81-88

Montreal,
June 13.

Vaudreuil to Bourlamaque. L.S. Arrival of a third ship in the river; will send on any letters for him as soon as possible. pp. 89-92

Montreal,
June 18.

Vaudreuil to Bourlamaque. L.S. Various routine details. News of intended enemy expedition against Louisbourg, and even Quebec; the King has raised a naval force capable of resisting them. Is preparing to march with an army of 7,000 men against Fort George. Need of haste, so as to be prepared to meet the enemy, should he really come to Quebec. Particulars of Indian parties sent to him. pp. 93-100

Montreal,
June 24.

Vaudreuil to Bourlamaque. L.S. Need of sending out parties to waylay those of the enemy on their usual routes; one or two defeats would make them less keen to find out French movements; has plenty of Indians at his disposal. *Re* expediting of works under construction. pp. 101-104

Montreal,
June 25.

Vaudreuil to Bourlamaque. L.S. Troops must be kept in ignorance of his plans. Details *re* ovens, boats, muskets, rations; instructions forwarded by Mercier *re* fortifications to be carried out. Wine sent to Carillon without permission, to be seized. Increasing number of Indians. pp. 105-108

Montreal,
June 26.

Vaudreuil to Bourlamaque. L.S. As many boats as possible to be sent back to St. John's at once. Needed for transport of army. pp. 109-112

Quebec,
June 27.

Bigot to Bourlamaque. L.S. *Re* abuses in the matter of provisions; has now become the commissary's business; bread, biscuit.

SESSIONAL PAPER No. 23

and peas given to horses; will be grateful for a report from him concerning those in fault. Report of movements of enemy ships.

1757.

pp. 113-116

Vaudreuil to Bourlamaque. L.S. Frequency of enemy scouting parties indicates anxiety to find out French movements. Approves of his arrangement with de Gaspe to lay traps for them at the head of the portage. Departure of de Levis; command to be handed over to him; strong commendation of Bourlamaque's conduct. pp. 117-120

Montreal,
July 2.

Vaudreuil to Bourlamaque. L.S. *Re* despatch of militia and repair of muskets. pp. 121-124

Montreal,
July 7.

Vaudreuil to Bourlamaque. L.S. Approval of his conduct at Carillon. pp. 125-128

Montreal,
July 10.

Vaudreuil to Bourlamaque. L.S. Success of Indian raid will cool the ardour of Roger's scouting party. Trusts all will be ready on Montcalm's arrival at Carillon, and that he may not be delayed. Great scarcity of provisions. Satisfied with orders given by him to expedite matters and measures taken for the safety of his camp.

Montreal,
July 15.

pp. 129-132

Vaudreuil to Bourlamaque. L.S. Regrets loss of M. de L'Hopital. Is sure Marin's party will be successful. Particulars of supplies sent to Carillon. Urgent need of haste; situation gravely affected by scarcity of provisions.

Montreal,
July 18.

pp. 133-136

Bigot to Bourlamaque. A.L.S. Further reference to abuses in connexion with provisions. Enemy very anxious to discover French movements; difficulty of concealing march. Has sent Montcalm list of ships at Louisbourg; does not approve reduction of garrison there; details of force. Large supplies of provisions reported in the river. No enemy ships seen at Isle Royale, or at entrance to the gulf; not known at Louisbourg where they are.

Quebec,
July 18.

pp. 137-140

Vaudreuil to Bourlamaque. L.S. Montcalm's departure: Bourlamaque ordered to join him. pp. 141-142

Montreal,
July 21.

Vaudreuil to Bourlamaque. L.S. Conveying the King's approval of his conduct during the previous campaign. pp. 143-146

Montreal,
July 31.

Vaudreuil to Bourlamaque. L.S. *Re* letters from the Court concerning him. pp. 147-150

Montreal,
Aug. 7.

Vaudreuil to Bourlamaque. L.S. Same personal subject. Levis to transfer command of army to him, on leaving. pp. 151-152

Montreal,
Aug. 20.

Vaudreuil to Bourlamaque. L.S. Conveying Montcalm's instructions *re* rations to be issued. Little hope of supplies from France this year. pp. 153-156

Montreal,
Aug. 31.

Vaudreuil to Bourlamaque. L.S. Garrisons of captured forts of Beausejour and Gaspereaux, now at Carillon or St. Frederic, to be sent at once to Quebec. pp. 157-160

Same place
and date.

Bigot to Bourlamaque. L.S. Has learned of events on Lake St. Sacrament. Expense to the King, and loss of much needed provisions, caused by Indians losing their way. Nothing fresh at Quebec. News from Europe. pp. 161-164

Quebec,
Sept. 6.

Vaudreuil to Bourlamaque. L.S. *Re* his command of Carillon camp. Leave of absence to be granted to Capt. d'Hugues and another officer, who wintered at Carillon. pp. 165-168

Montreal,
Sept. 8.

Vaudreuil to Bourlamaque. L.S. Instructions to be given to commissariat clerks, *re* scale of rations to be issued. *Re* garrison of Beausejour. pp. 169-172

Montreal,
Sept. 10.

1757.

Same place
and date.

Vaudreuil to Bourlamaque. L.S. *Re* enclosure of cemetery. Provision of means for saying Mass fittingly at Carillon. pp. 173-176

Montreal,
Sept. 21.

Vaudreuil to Bourlamaque. L.S. Serious shortage of food; rations to be issued to workmen. Indians sent to join him. Leave of absence for Daillebout, who is to winter at Carillon; Hertel Sorel, a Louisbourg officer, and Dusablé, who are to winter on the Ohio. Palisade to be constructed. Boats to be sent to Carillon for removal of army. News of arrival of strong enemy forces at Louisbourg on August 20. pp. 177-180

Montreal,
Oct. 7.

Vaudreuil to Bourlamaque. L.S. Instructions *re* garrison of Carillon; officers and units detailed to winter there. Approves his treatment of wounded English officer. Is leaving for Quebec. pp. 181-188

Montreal,
Oct. 8.

Vaudreuil to Bourlamaque. L.S. *Re* soldiers to be quartered on the inhabitants for the winter, on account of scarcity of provisions. Instructions to be given to regimental commanders *re* boats to be left at St. John's. To commandant at Chambly, to see that transport boats are in good condition. pp. 189-192

1758.

Quebec,
April 7.

Bigot to Bourlamaque. A.L.S. *Re* his quarters in Quebec. (Personal only). pp. 193-194

Montreal,
May 4.

Vaudreuil to Bourlamaque. L.S. Extreme scarcity of food; the Intendant's resources almost exhausted; La Reine regiment, under de Rocquemaure, to be sent to Carillon. Scarcity of food among the inhabitants on whom the soldiers are quartered; returns from various parishes; militia officers to make domiciliary visits. Instructions to be given to La Reine regiment. pp. 195-198

Montreal,
May 13.

Vaudreuil to Bourlamaque. L.S. *Re* his arrangement with the Intendant as to the departure of La Reine regiment, and 40 men of the Languedoc, whom the inhabitants can no longer support. Will be pleased should all this afford him an opportunity of fittingly promoting Bourlamaque's interest. pp. 199-202

Montreal,
May 23.

Vaudreuil to Bourlamaque. L.S. Will be glad to hear of arrival of provisions; situation changed in consequence. Intendant's arrangements for departure of units specified. He is to command the camp at Carillon; best means of impressing the enemy. Has complete confidence in his ability to accomplish things. pp. 203-206

Montreal,
May 26.

Vaudreuil to Bourlamaque. L.S. Will make earliest possible use of the help received; and do his utmost to humble the enemy, this year. pp. 207-208

Montreal,
June 6.

Vaudreuil to Bourlamaque. L.S. Same subject as foregoing letter. pp. 209-212

Montreal,
June 14.

Vaudreuil to Bourlamaque. L.S. Mercier instructed to proceed to Carillon, to make various arrangements in connexion with de Levis' forthcoming campaign, and to return to Montreal, to report. Instructions also given to Jacau, in regard to the portage, and as to payment for work done there. Return enclosed *re* departure of regiments; Canadian, and boats. Canadians to be sent back to St. John's. pp. 213-216

Quebec,
June 14.

Bigot to Bourlamaque. A.L.S. News *re* ships with munitions, pork, and recruits from France. Naval, and other news from France. Importance of maintaining Canada, of not losing any territory; one unlucky year would wipe out the advantages of three. pp. 217-220

Montreal,
June 23.

Vaudreuil to Bourlamaque. L.S. Regrets loss of Berry regiment, boats. Much pleased at Wolff's success against the enemy;

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none would have escaped, had the Indians been sober. Will do his best to rescue the captured English ensign from the Indians. Surprised to hear of shortage of provisions at Carillon; will have great difficulty in supplying Montcalm's army. pp. 221-224

1758.

Vaudreuil to Bourlamaque. L.S. Has questioned prisoners sent to him. Their agreement, and enemy preparations, seem to indicate an offensive on their side. Bourlamaque's foresight will enable Montcalm to act as may be necessary. De Levis' army to join his. Montcalm will decide to assume the offensive as circumstances may dictate, even should enemy movement be merely intended to create an impression. pp. 225-228

Montreal,
June 30.

Vaudreuil to Bourlamaque. L.S. Thanks for reporting information given by English officer kept at Carillon. pp. 229-232

Montreal,
July 4.

Vaudreuil to Bourlamaque. L.S. His satisfaction at the brilliant victory of the 8th tempered by regret at Bourlamaque's wound. Will gladly join with Montcalm in obtaining the King's recognition of his zeal and valuable services. pp. 233-236

Montreal,
July 11.

Vaudreuil to Bourlamaque. L.S. Is sorry to hear of difficulties endured by La Reine and Berry regiments, on their way to Quebec. Trusts losses will not be so great as feared. Is glad to learn, from one of his letters, that he is growing stronger. Takes much interest in his health. Mde. de Vaudreuil's instructions in regard to it. pp. 237-240

Montreal,
Nov. 14.

Vaudreuil to Bourlamaque. Personal matters, and mutual compliments, only. pp. 241-242

1759.
Montreal,
Jan. 8.

Vaudreuil to Bourlamaque. L.S. *Re* his health. Will be glad to employ him in a manner in every way fitted to his knowledge of the colony. Will depend on the enemy's movements, and his different attacks. Is preparing to meet him at every point. pp. 243-246

Montreal,
March 8.

Bigot to Bourlamaque. A.L.S. Instructions given to Le Vasseur, *re* two xebecs needed at the opening of the campaign. Works at Beauport cannot be begun until arrival of ships from France, through lack of provisions; greater cost to the King in 1759. *Re* wine for officers, etc. pp. 247-250

Quebec,
March 13.

Vaudreuil to Bourlamaque. L.S. Is pleased with instructions given to Duverny at St. John's *re* arming of xebecs; all needful armament will be sent at once. Bougainville arrived at Quebec. Particulars of rewards and promotions granted by the King to the land and sea forces. Bougainville reports coming attack in force on Quebec and other parts of the Colony; his own plans already made; will keep him informed. Asks him to think out a plan of desultory warfare for Carillon, in case he can only increase his present forces by 1,000 men. Begg him to let him know, so that he may decide *re* defence of frontier, at the first threat of attack; to protect the lake, and post a force on the St. John's river. Asks for return of provisions, etc. at Carillon. Has not a moment to himself. Relies on d'Hébecourt to give Bourlamaque all the news. pp. 251-258

Montreal,
May 16.

Vaudreuil to Bourlamaque. L.S. Hopes de Montegron's last party has given him sure news of the enemy's movements. Need of great watchfulness. Expected enemy attack, at an early date, on Quebec, Carillon, and the other frontiers. Is making every preparation possible to entrap the enemy and to fight him "with a liveliness and obstinacy surpassing even their ambition." Is quite easy in his mind about Bourlamaque's command, and his carrying out all orders given

Quebec,
May 29.

1759.

him. Learns that de Levis has posted him fully in regard to Isle aux Noix. Is putting the whole colony in motion for the defence of Quebec. Increasing urgency of his occupations will prevent his writing often. Various routine details. Instructs him to communicate with Rigaud at Montreal. pp. 259-266

Quebec,
June 6.

Vaudreuil to Bourlamaque. L.S. Food asked for at St. John's will be supplied him. Sailors, anchors, etc., needed for arming xebecs, arrived at St. John's; to be sent on to him as speedily as possible. Is easy in his mind about Carillon, because Bourlamaque is there. Signal fires tell of arrival of more ships at St. Barnabé. pp. 267-270

Quebec.
June 19.

Vaudreuil to Bourlamaque. L.S. He must be aware of the consequences of the decision taken in regard to Carillon, Isle aux Noix "our Capital post" under existing conditions. Hopes all will be in readiness before he is forced to fall back on that post. Rigaud prepared to join with militia reserves of his government. Enemy will doubtless do his utmost to break through to Montreal; must be most obstinately resisted at Isle aux Noix. Learns that he has received confirmation of prisoners' reports. Is sure enemy will do his utmost to restore Chouaguen, and at least threaten an attack on Montreal. Eleven enemy ships anchored off Island of Orleans; prisoners assert certainty of attack on Quebec; and in force on Carillon. pp. 271-274

Quebec.
June 21.

Bigot to Bourlamaque. A.L.S. Personal matters. British fleet of 132 sail anchored off Bic. Urges care in issue of rations. pp. 275-278

Quebec.
June 25.

Vaudreuil to Bourlamaque. L.S. *Re* two deserters from Carillon. Is pleased to hear of progress of work at Isle aux Noix. Has arranged with Intendant to draw supplies "at any price" from the Government of Montreal. Particulars *re* force of enemy fleet in the river. Rigaud reports arrival of up-country Indians. pp. 279-282

Same place
and date.

Vaudreuil to Bourlamaque. L.S. Is pleased at his praise of the Canadians under his command at Carillon. His own high regard for them; regrets desertion of Louis la Noix, and Nicolas Gouvreau, militia gunners from Quebec; they are being sought for. pp. 283-286

Quebec,
June 29.

Vaudreuil to Bourlamaque. L.S. Rigaud has forwarded his report of Amherst's encampment at Fort George. He is certain to be attacked before long. Places great trust in all the dispositions made by him, and is confident that the enemy will not get through to Isle aux Noix. Expects to be attacked at Quebec, very soon; whole British fleet close by. Particulars of their movements. Failure of fireship attack. Eight or ten thousand British landed on Island of Orleans; orderly retreat of M. de Courtemanche to Ange Gardien. Is to join army next day; all in readiness to meet the enemy. Commissary has instructed Morin to send him supplies. pp. 287-290

Beauport
Camp,
July 3.

Vaudreuil to Bourlamaque. L.S. Has received his report *re* enemy position at Fort George; likely to move on Carillon; Isle aux Noix his best point of retreat; that post "our Capital point"; the surest barrier against enemy's advance into the interior of the Colony. British descent on Point Levis; prisoners report of coming enemy attack. Capture of 22 women and children in a boat, by one of Admiral Saunders' frigates. pp. 291-294

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Vaudreuil to Bourlamaque. L.S. Postscript. A.L.S. Reporting enemy movements. Bourlamaque to be attacked shortly. Enemy said to have 20,000 men; to assault Beauport Camp the following week. pp. 295-298

1759.
Beauport
Camp,
July 6.

Vaudreuil to Bourlamaque. L.S. Rigaud has forwarded report of deserters' statements. Does not think British can make their way through the woods between St. Frederic and Carillon. Instructions given to Pouchot *re* defence of Lake Ontario; La Corne on his way to Chouaguen. Is expecting immediate attack. pp. 299-302

Camp,
July 8.

Vaudreuil to Bourlamaque. L.S. *Re* supplies sent him. British still encamped at Point Levis and Island of Orleans. Particulars of their forces. Troops, Canadians, and Indians eager to meet them. Deserters report of enemy strength. pp. 303-306

Beauport
Camp,
July 7.

Vaudreuil to Bourlamaque. L.S. *Re* Lake Ontario; expects news from la Corne, shortly. Instructions given to watch enemy's possible march by Chateauguay. Wolfe expecting Amherst to join him. Hopes campaign will end soon. pp. 307-310

Camp,
July 11.

Vaudreuil to Bourlamaque. L.S. Glad to learn that enemy scouts have made no prisoners round Carillon. De Langy Montegron's success. Prisoners and deserters report Amherst's force not so great as at first stated. Can tell nothing *re* forces intended for Chouaguen; 4,000 men likely arrived at Niagara, by land and water; not at all in the direction of Chouaguen. La Corne in error on this point; details of his fight with enemy there. Position of enemy at Quebec unchanged. pp. 311-314

Army G.H.Q.
below Beau-
port, July 17.

Vaudreuil to Capt Raimond. L.S. Has received his two letters conveying report of statements made by prisoners and deserters. pp. 315-318

Same place
and date.

Vaudreuil to Bourlamaque. L.S. Deserter's statement; sent by him, *re* junction of Lake George army with Wolfe's agrees with his own information. Wolfe sends barges to Pointe aux Trembles to discover whether such junction will be effected. Wolfe much annoyed with Amherst, says he will answer for it with his head. Prisoners taken, returned next day, with polite note. Does not think enemy will attempt a fresh landing there; continues to fire on the city. Feels sure a regular regiment has been sent from Lake George to Chouaguen; enemy attaches much importance to that quarter. Pouchot awaiting reinforcements; promises to do well. Should he get rid of the enemy, he will effect a junction with La Corne at the rapids, a most important point, to check possible enemy advance on Montreal. Landriève reports from St. John's that deserters at Carillon state that French have retaken Louisbourg; great alarm for Halifax. pp. 319-326

G.H.Q.,
Beauport,
July 25.

Vaudreuil to Bourlamaque. L.S. Has received his report of Amherst's seizure of heights above the falls, and of his marching on St. Frederic with three thousand men. Bourlamaque therefore cannot do better than to fall back on to La Barbie river; and secure retreat of garrison left at Carillon. Latest prisoners report Wolfe as awaiting Amherst's arrival with 40,000 men. Rigaud preparing to join Bourlamaque with all the forces remaining in his government. *Re* "our" rapids; Germain ordered to discover the best position for opposing the enemy's advance, and prevent his getting through to the habitations. Rigaud and the defence of the rapids. Sharp engagements at Montmorency, the previous day; unfortunate result of over-eagerness of the Indians. pp. 327-334

G.H.Q.,
Beauport,
July 27.

1759.

G.H.Q.,
Aug. 6.

Vaudreuil to Bourlamaque. L.S. Has received his report of d'Hébecourt's abandonment and destruction of Carillon; hoped he might have held out for another fortnight. Bourlamaque's own retreat to Isle aux Noix cannot fail to impress Amherst, and cause him to march in such fashion as to give time to complete the works there. Can assure him that Wolfe will make no progress at Quebec. Will keep him informed. Particulars of enemy movements, etc. Is anxious only in regard to the rapids. pp. 335-342

G.H.Q.,
Aug. 8.

Vaudreuil to Bourlamaque. L.S. Would be anxious in regard to Isle aux Noix but for his entire trust in Bourlamaque's ability and local knowledge; is sure Amherst will gain no decisive advantage. Relies in his obstinate defence of that most important post to prevent Amherst's junction with Wolfe. *Re* Niagara and the rapids; La Corne's instructions. Is expecting immediate attack; hopes first engagement will be decisive. pp. 343-346

Same place
and date.

Vaudreuil to Bourlamaque. L.S. Instructions *re* absolutely necessary reduction of rations. pp. 347-350

G.H.Q.,
Aug. 10.

Vaudreuil to Bourlamaque. L.S. Pleased with his report *re* defence of Isle aux Noix. De Levis given internal and external command of the Government of Montreal; is familiar with the local situation. Will keep him informed. Is awaiting the first chance of fighting that Wolfe may give him. pp. 351-354

Montreal
Aug. 12.

Bigot to Bourlamaque. A.L.S. Personal matters. Approves his method of carrying on works. *Re* supplies to be sent to him. pp. 355-356

G.H.Q.,
Aug. 18.

Vaudreuil to Bourlamaque. L.S. Approves his evacuation of Carillon and St. Frederic. His presence urgently needed at Isle aux Noix, to push on the works. *Re* camp to be formed at Laprairie. De Levis sent to Montreal chiefly on Bourlamaque's account. Hopes he has some prisoners or deserters who will give him sure news of Amherst and his plans. Wolfe admits openly that his expedition has failed; that he no longer expects Amherst to join him. He continues to fire on the town, to ravage, plunder, and burn houses in the neighbourhood, contrary to all the laws of war. No longer possible to bolt flour; bread to be made with it as it is. pp. 357-364

G.H.Q.,
Aug. 21.

Vaudreuil to Bourlamaque. L.S. Has received his report. Isle aux Noix the principal and strongest barrier against enemy invasion of the interior of the colony. De Levis sure to fall in with his views. Everything points to the speedy departure of the fleet, and of Wolfe's army. Large numbers of prisoners and deserters daily, most of whom agree as to coming retreat of the enemy. pp. 365-368

G.H.Q.,
Aug. 25.

Vaudreuil to Bourlamaque. L.S. Reporting capture, by Abenakis near St. Francis, of Capt. "Kinton Kinedy", and Lieut. "Archibald Amilton", brought thither secretly by seven Loups, and handed over to the Governor of Three Rivers. Will tell him more in his next letter. pp. 369-372

G.H.Q.,
Aug. 26.

Vaudreuil to Bourlamaque. L.S. Strong approbation of his conduct and services. Cannot recall him yet, though much in need of officers of high rank. Explains reasons which necessitated de Levis' appointment to the supreme command of the frontier. Personal matters. pp. 373-376

G.H.Q.,
Sept. 1.

Vaudreuil to Bourlamaque. L.S. *Re* lack of provisions; reduction of rations; urgency of a speedy harvest; Rigaud to do all in his power. pp. 377-380

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Vaudreuil to Bourlamaque. L.S. Montcalm and himself equally pleased with his conduct. Has begun so well that he must finish the campaign at Isle aux Noix. 1759.
Same place
and date.

pp. 381-384

Vaudreuil to Bourlamaque. L.S. Rigaud has forwarded report of last prisoners brought in by Outelas' party. French invasion of Ireland confirmed. Amherst determined to make a fort at St. Frederic, and to construct two roads. Seems to indicate that he intends to make no further advance this campaign, owing to the lateness of the season. All goes to show that the enemy has failed in his chief object. Camp at the falls abandoned; troops embarked in barges; attack expected, but not made; enemy retire to Island of Orleans and Point Levis. Instructions *re* manufacture of flour at Montreal. G.H.Q.,
Sept. 4.

pp. 385-388

Vaudreuil to Bourlamaque. L.S. Forwarding letters informing him of measures taken for the safety of the governments of Montreal and Three Rivers. Expresses his extreme satisfaction at Bourlamaque's arrangements, and at his being in command at Isle aux Noix. Montreal,
Oct. 1.

pp. 389-392

Vaudreuil to Bourlamaque. L.S. Expressing his entire reliance on him. Pressing need of early news. Trusts to him to defend Isle aux Noix; instructions to be followed in the event of enemy attempt to turn his position. Importance of completing fort for winter quarters. Anxious to know what has become of enemy party who left 17 barges at Missiskoui bay; parties of Canadians and Abenakis in search of them. Details *re* forts at Chambly and St. John's. Montreal,
Oct. 3.

pp. 393-400

Vaudreuil to Bourlamaque. L.S. Enemy party, above referred to, reach St. Francis undiscovered, find no one there, and burn village. Many parties out after them... *Re* detachment of 400 men, referred to in his last letter. Montreal,
Oct. 3.

pp. 401-404

Vaudreuil to Bourlamaque. L.S. Particulars of burning of St. Francis; many killed and wounded. Details of Indians being sent to him; and to be sent to Missiskoui bay. Five or six hundred men to be kept there, to prevent escape of enemy party above alluded to. Regrets that St. Francis Indians, in spite of warning, were caught sleeping, and attacked at dawn. Montreal,
Oct. 5.

pp. 405-408

Vaudreuil to Bourlamaque. Further reference to the burning of St. Francis, and escape of enemy party. Montreal,
Oct. 6.

pp. 413-416

Vaudreuil to Bourlamaque. L.S. Militia asked for will be sent to him. Importance of finishing Isle aux Noix fort before winter. Regrets his state of health; has no anxiety about the arrangements to be made by him before quitting the frontier; will send him full instructions *re* garrisons of Isle aux Noix, St. John's, and Chambly; will name commandants of these three forts. *Re* 17 enemy barges, burning of St. Francis, etc. Montreal,
Oct. 7.

pp. 409-412

Vaudreuil to Bourlamaque. L.S. Confidence in capture of English at St. Francis. *Re* Missiskoui bay. Montreal,
Oct. 8.

pp. 417-420

Vaudreuil to Bourlamaque. L.S. *Re* exact return of colonial troops at Isle aux Noix. Montreal,
Oct. 16.

pp. 425-428

Vaudreuil to Bourlamaque. L.S. All the forces of the governments of Montreal and Three Rivers ordered to go to his support. Rigaud to command them. Montreal,
Oct. 17.

pp. 429-432

1759.

Same place
and date.

Vaudreuil to Bourlamaque. L.S. Rigaud instructed to send the hundred and fifty men asked for to St. John's, and five hundred to Isle aux Noix. Approves his plan of a camp at Laprairie. Instructions given to Rigaud. Doubts enemy attack so late in the season; but must be prepared for a possible attempt to break through. Will give him all the help in his power. Frequent scouting needed at Missiskoui bay; Rigaud to be notified of any enemy attempt; will proceed thither at once with all his force. pp. 433-436

Montreal,
Oct. 17.

Bigot to Bourlamaque. A.L.S. Commissary instructed to send supply of brandy to Isle aux Noix. Other routine details of flour, etc. pp. 437-438

Montreal,
Oct. 15.

Vaudreuil to Bourlamaque. L.S. Will send him, shortly, a return of winter quarters for his regiments, garrisons of forts, and officers commanding them. Anxious, as he is, about fate of xebecs; surprised at non-return of commander, as ordered; will punish him when he comes back; has surely not exposed them to superior enemy force. Will do all in his power to support Bourlamaque, on receipt of sure news of enemy's advance. Did well to recall detachment at Missiskoui bay; reasons for believing that enemy party in question are making for New England. pp. 421-424

Laprairie,
Oct. 18.

Rigaud to Bourlamaque. L.S. *Re* instructions to send men to Isle aux Noix and St. John's; formation of his own camp. De Lotbinière to advance from Chambly to St. John's. pp. 439-440

Montreal,
Oct. 18.

Vaudreuil to Bourlamaque. L.S. Certainty of Amherst's march, and of his attacking Isle aux Noix. Bourlamaque's defence should detain him for a long time. Possibility of his cutting the communication with St. John's and Laprairie. Rigaud to march whenever needed. Is making all necessary arrangements to reinforce him. pp. 441-444

Montreal,
Oct. 19.

Vaudreuil to Bourlamaque. L.S. Amherst sure to do his very utmost to take Quebec; the orders of the English Court, and his own honour demand that he should do all in his power. Believes that he is now on the march. Particulars of measures taken to oppose him. pp. 445-448

Montreal,
Oct. 21.

Vaudreuil to Bourlamaque. L.S. Has learned from his letter of Amherst's nearness to Isle aux Noix. Instructions *re* supports to be sent to him. Prisoners report Amherst's force at 5,000 men; his probable line of march. Sergeant, also prisoner, however, gives 8,000 men, and states that Amherst may leave Isle aux Noix on one side, and penetrate into the interior of the colony. Can only rely on Bourlamaque's watchfulness and discoveries. pp. 449-452

Montreal,
Oct. 22.

Vaudreuil to Bourlamaque. L.S. Dolobara's arrival; his success; news learned from prisoners. Amherst's reported plan of passing Isle aux Noix, and breaking through at St. John's or Chambly. Relies on him to find out, and to instruct Rigaud accordingly. Dolobara to set out, next day, to join Bourlamaque. pp. 453-454

Montreal,
Oct. 23.

Vaudreuil to Bourlamaque. L.S. *Re* Mercier's rank. As to his doubt of Amherst's attacking Isle aux Noix; he must furnish positive information concerning that general's army, and send out constant scouting parties, to ascertain whether he intends to pass the post; if so, he is to go to meet enemy with two-thirds of his army. Other instructions. pp. 455-458

Same place
and date.

Vaudreuil to Bourlamaque. L.S. Orders issued in all the parishes of the government, to raise all the militia now at home; is doing all

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in his power to increase Rigaud's camp. De Longueuil instructed to send Three Rivers militia by way of Sorel; De Levis also sending men. Very necessary that he should collect as many boats as possible.

1759.

pp. 459-462

Vaudreuil to Bourlamaque. L.S. Dolobara's reasons for sinking his three boats. De Basserode and his detachment to go to St. John's.

Montreal,
Oct. 25.

Various routine details.

pp. 463-466

Vaudreuil to Bourlamaque. L.S. La Corne reports retirement of Chouaguen army; Iroquois from Isle aux Noix informed Dumas of the certainty of the enemy's withdrawal. Will be confirmed by Bourlamaque, if true, and by Rigaud's scouts. Amherst's departure would release the inhabitants to thresh the grain. On positive confirmation, will send his troops into winter quarters. Various routine details.

Montreal,
Oct. 26.

pp. 467-470

Vaudreuil to Bourlamaque. L.S. Enclosing despatches to Amherst; officer bearing them to take note of all that is said. *Re* Bourlamaque's letters.

Montreal,
Oct. 28.

pp. 471-472

Vaudreuil to Bourlamaque. L.S. Thinks it will be useless for him to send to the Maska river for boards and timber; will do his best to send him what there is at Montreal; lateness of season, and lack of boats. Troops and others who are to winter must do their best. Garrisons at Jacques Cartier, Isle aux Noix, and Oracointon, to be reduced, because of impossibility of feeding them; instructions given accordingly. Enemy not likely to attempt an invasion at present. Bourlamaque to be in control, until wintering arrangements are completed. Proposal to construct fort at Laprairie impossible under existing conditions.

Montreal,
Oct. 29.

pp. 473-476

Vaudreuil to Bourlamaque. L.S. *Re* works, and garrison at Isle aux Noix.

Montreal,
Oct. 30.

pp. 477-478

Vaudreuil to Bourlamaque. L.S. De Levis' arrangements for encamping troops on south bank of Chambly river. Various instructions given, once he felt sure there was nothing to fear from the enemy. No boats available to send planks from Montreal.

Montreal,
Oct. 31.

pp. 479-482

Vaudreuil to Bourlamaque. L.S. Reasons for measures taken at Isle aux Noix; de Lusignan to command there. Various routine military details.

Montreal,
Nov. 1.

pp. 483-486

Vaudreuil to Bourlamaque. L.S. Amherst accepts the proposed exchange. Instructions *re* those affected by it. Indians ordered to refrain from attack, while exchange is going on.

Montreal,
Nov. 6.

pp. 487-490

Vaudreuil to Bourlamaque. A.L.S. *Re* casualties of Rogers' party. He is to decide when to send back troops. Various routine military details. Approves his precautions for the passage of English at St. John's; always intended that flotilla should start from thence.

Montreal,
Nov. 10.

pp. 491-494

Vaudreuil to Bourlamaque. L.S. Routine instructions *re* St. John's and Chambly.

Montreal,
Nov. 12.

pp. 495-498

Vaudreuil to Bourlamaque. L.S. *Re* removal of troops to winter quarters; his want of salt; has no means of remedying the trouble.

Montreal,
Nov. 13.

pp. 499-502

Vaudreuil to Bourlamaque. L.S. Amherst's letter, and speedy return of prisoners. Does not think enemy will make any attempt at Isle aux Noix. Instructions given to inhabitants of Laprairie,

Montreal,
Nov. 20.

1759.

Longueuil, Boucherville and Chambly, to be in readiness to join him, whenever required. Scouts to be sent out continually, so long as the weather permits. pp. 503-506

Montreal,
Nov. 23.

Vaudreuil to Bourlamaque. L.S. *Re* supplies for Isle aux Noix, and for the Abenakis. Thinks season too late to fear any enemy action; this, and want of food, reasons for withdrawal; he may move on receipt of this letter. Instructions to be given to de Lusignan. pp. 507-510

1760.
Montreal,
Feb. 26.

Vaudreuil to Bourlamaque. L.S. Various routine details; beef from south shore, etc. No time to lose; bearer of letter to be sent back at once. Noyelle instructed to have Three Rivers militia ready to march directly he asks for them. Personal quarrel between de St. Martin and de St. Rome. pp. 511-514

Montreal,
Feb. 28.

Vaudreuil to Bourlamaque. L.S. Various routine military details. Regrets burning of Point Levis by the enemy. His satisfaction at Bourlamaque's presence on the frontier; need of his sending a party to safeguard supplies on the south shore. Is taking means to send beef to Jacques Cartier; instructions on the subject. pp. 515-522

Montreal,
March 1.

Vaudreuil to Bourlamaque. L.S. Same subject as the foregoing. pp. 523-526

Montreal,
May 2.

Vaudreuil to Bourlamaque. L.S. His satisfaction at learning of the victory of Dec. 28 tempered with regret at Bourlamaque's wound. pp. 527-530

Montreal,
May 2.

Bigot to Bourlamaque. L.S. Same personal subject as foregoing. pp. 531-532

Montreal,
May 9.

Vaudreuil to Bourlamaque. L.S. Same personal subject. pp. 533-536

Montreal,
Aug. 12.

Vaudreuil to Bourlamaque. L.S. Anxious as to the day's events; guns heard. Dumas due at Berthier that evening or next morning. Has done right in arresting men from Quebec; they are to serve as sailors and the clerks as riflemen. pp. 537-538

Montreal,
Aug. 25.

Vaudreuil to Bourlamaque. L.S. *Re* delivery of arms by Canadians to the British. Is issuing a proclamation in respect of a militia levy. pp. 539-540

Montreal,
Aug. 28.

Vaudreuil to Bourlamaque. L.S. De Levis starting for Pointe aux Trembles. *Re* various supplies forwarded to Bourlamaque's detachment. pp. 541-542

undated.

De Moras, Naval Minister, to Vaudreuil. Copy. Great British preparations for North America; details of enemy land and sea forces; destined for the siege of Louisbourg. King's measures for its defence, and that of Quebec. He must, however, take means to obtain information, both as regards the river and the frontiers. Full particulars of reinforcements to be sent. Supplies of flour. pp. 543-546

VOLUME III

Lettres Levis

1757.

Montreal,
June 26.

De Levis to Bourlamaque. L.S. Expects to leave for Carillon July 2 or 3, with units named; Montcalm to follow with remaining forces; will consult with Bourlamaque, in order to forward the proposed expedition. pp. 1-4

Camp de la
Chute,
July 9.

De Levis to Bourlamaque. L.S. Approves of his disposition of colonial troops at Carillon. pp. 5-6

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- Doreil to Bourlamaque. L.S. Personal matters; particulars of French fleet at Louisbourg; shortage of food at Quebec; military news from France; urges him to take Fort George and Fort Lydius. 1757. Quebec, July 9.
- pp. 7-10
- De Levis to Bourlamaque. L.S. Routine military matters; munition barges; militia; has great confidence in his influence with the Indians. Camp de la Chute, July 10.
- pp. 11-14
- De Levis to Bourlamaque. L.S. *Re* difficulties with Indians. Sends him prisoners' depositions. Same place, July 10.
- pp. 15-16
- De Levis to Bourlamaque. L.S. Asking him to return depositions above referred to. Camp du Portage, July 11.
- pp. 17-20
- De Levis to Bourlamaque. L.S. All boats about to be sent to Lake St. Sacrament. Asks him to send those at Carillon. Camp de la Chute, July 12.
- pp. 21-24
- De Levis to Bourlamaque. L.S. *Re* bakery at the portage; other routine details. Same place and date.
- pp. 25-28
- De Levis to Bourlamaque. L.S. *Re* shortage of bran; to be procured at Fort St. Frederic. *Re* ovens at Carillon. Same place and date.
- pp. 29-30
- De Levis to Bourlamaque. L.S. *Re* possible increase of rations. Soldiers suffering from want of food; their complaints of the bread. Same place, July 13.
- pp. 31-34
- De Levis to Bourlamaque. L.S. Should Rigaud arrive before Montcalm, he may remain at Carillon, join de Levis, or camp at the portage as he chooses. July 13.
- pp. 35-38
- De Levis to Bourlamaque. L.S. *Re* camp ovens. Camp de la Chute, July 15.
- pp. 39-42
- De Levis to Bourlamaque. L.S. Everything possible must be done to induce the Indians to remain; their affection for Bourlamaque. *Re* boats leaving for Montreal. Undated.
- pp. 43-46
- De Levis to Bourlamaque. L.S. Details for Carillon; piquet not to leave till Oct. 15, for Carillon. Garrison will not be reduced. Montreal, Sept. 20.
- pp. 47-50
- De Levis to Bourlamaque. L.S. Louisbourg thought to be besieged by British fleet of 23 sail of all kinds; landing fleet not far off; Governor uncertain as to Du Bois de la Motte's course of action; anxiety at Quebec in consequence; thinks event will decide everything. Bourlamaque not to return before Oct. 20; instructions *re* same. La Motte not to come to Quebec. Works at St. John's making slow progress. Montreal, Sept. 21.
- pp. 51-54
- De Levis to Bourlamaque. L.S. Canadians to be sent to bring boats down from Carillon; full instructions have been given. Personal matters. Vaudreuil leaves on Sunday for Quebec. Per- Montreal, Oct. 5.
- pp. 55-58
- De Levis to Bourlamaque. L.S. Will receive his instructions from d'Hébecourt, who is to command at Carillon. Full instructions *re* boats, regimental quarters, etc. Necessary transport to be asked for on arriving at St. John's. Montreal, Oct. 9.
- pp. 59-66
- Montcalm to de Levis. Copy. *Re* lack of provisions. Hopes habitants will feed troops in the countryside. General instructions *re* units referred to. Has spoken to Intendant *re* officers in (winter) quarters; orders given in relation to them. Oct. 14.
- pp. 67-70
- De Levis to Bourlamaque. L.S. Approves of his report; is of his opinion; Montcalm's to Vaudreuil, to the same effect; copy will be sent to d'Hébecourt. Indians will be sent to Carillon, as soon as the ice sets. Enemy activity at Carillon. Montreal, Nov. 28.
- pp. 71-74

1759.

Montreal,
May 16.

De Levis to Bourlamaque. A.L.S. Personal matters; promotions. Vaudreuil awaiting instructions from France before settling plan of campaign. Importance of redoubt at Carillon; best position on Lake Champlain for holding back the enemy. pp. 75-78

May 22.

De Levis to Bourlamaque. Autograph. Reporting his arrival at St. John's. Will examine Isle aux Noix post the next day, to decide *re* work to be undertaken. Men detailed for that purpose. *Re* early despatch of ship, and artillery asked for. Is in charge of Montreal Government correspondence. pp. 79-82

St. John's,
May 23.

De Levis to Bourlamaque. L.S. Report of his visit to Isle aux Noix; his opinion of the position; head of island to be entrenched; garrison necessary; general conclusions and suggestions. Other routine military matters. pp. 83-86

Montreal,
May 26.

De Levis to Bourlamaque. L.S. Ordered to Quebec, with troops specified. British fleet above St. Barnabe; no time to lose. Instructions *re* works at Isle aux Noix. pp. 87-90

Quebec,
June 2.

De Levis to Bourlamaque. A.L.S. No cause for anxiety *re* Rivière du Sud; portage good only in winter. His opinion *re* probable enemy action in that quarter; importance of blocking the river; advantages of Isle aux Noix; result of enemy victory there; nothing to stop them; would involve crossing the St. Lawrence; and defence of left bank only. Hopes enemy will not follow across Lake Champlain. Warns him against listening to the talk of individual officers. pp. 91-94

Montreal,
Aug. 12.

De Levis to Bourlamaque. L.S. Is in command of frontiers and interior of Montreal Government. Chiefly anxious about the rapids; his plans in that quarter. Isle aux Noix must be defended to the last extremity. Thinks it impossible for enemy to open a way inland; more likely along the river bank. Importance of St. John's. Soldiers and Canadians must be forbidden to leave camp, under pain of death. pp. 95-98

Montreal,
Aug. 14.

De Levis to Bourlamaque. L.S. Is leaving for head of rapids; possible force to be raised by Rigaud; position satisfactory at Quebec. pp. 99-102

Beauport
Camp,
Aug. 16.

La Rochette to Bourlamaque. A.L.S. Particulars of situation at Quebec: Enemy continue to destroy and burn the town. Lower Town nearly all burned; also habitant houses to the south; enemy carrying off women and cattle. All attempts on north shore repulsed. His contempt for "ces braves Anglois." No anxiety concerning Carillon; much in regard to the rapids. pp. 103-104

Isle aux
Galops,
Aug. 25.

De Levis to Bourlamaque. A.L.S. Approves his course of action. Thinks Rigaud can raise seven or eight hundred men; particulars given. Report on his visit to Frontenac, satisfied concerning situation there. Good disposition of Indians; party sent to Chouaguen; nothing known of enemy army which took Niagara. Situation satisfactory at Quebec by letters of 17th thinks enemy will withdraw before the Equinox. *Re* winter post at Isle aux Noix. pp. 105-112

Same place
Aug. 30.

De Levis to Bourlamaque. A.L. Unsigned. Conveying report of party sent to Chouaguen; enemy strengthening that fort and St. Frederic. He is fortifying an island near La Présentation, to form winter post for 400 men. Sending second party to Chouaguen; further reference to winter post at Isle aux Noix. pp. 117-120

Sept. 5.

De Levis to Bourlamaque. A.L.S. *Re* route to be taken by hundred men proceeding to Terre Bonne. pp. 117-120

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De Levis to Bourlamaque. A.L.S. Strict and urgent instructions received from Vaudreuil concerning the harvest; details *re* men to be employed; their respective destinations. Will pass 12 hours with him in making plans for the safety of the frontier. pp. 121-124

1759.
Montreal,
same date.

De Levis to Bourlamaque. A.L.S. Has received report *re* mills on Chambly river. Personal matters. pp. 125-128

Chambly,
Sept. 11.

De Levis to Bourlamaque. A.L.S. Is anxiously awaiting news from La Corne. *Re* party of Indians sent to Carillon. pp. 129-130

Montreal,
Sept. 13.

De Levis to Bourlamaque. Private. A.L.S. Reporting defeat and surprise at Quebec; Montcalm said to be dangerously wounded. Vaudreuil has ordered him to Quebec; does not know where he will find the army; Carillon and Rapids two most important posts at the moment. This "unfortunate affair" must be kept secret as long as possible. pp. 131-134

Montreal,
Sept. 15.

De Levis to Bourlamaque. A.L.S. His deep regret at Montcalm's loss: "his general and his friend." Death of Wolfe, and his second in command. Found army fallen back here; now marching towards Quebec, hopes to engage enemy, and retake former positions. Loss of Quebec does not mean loss of colony; enemy cannot hold town during winter. Importance of preventing junction of up-country armies. Instructions *re* Isle aux Noix: he is to act in concert with Rigaud. Admits his own inferiority to Montcalm; claims Bourlamaque's help and counsel. Necessity for concealing defeat. Every possible care must be used to keep enemy from taking prisoners. pp. 135-138

Jacques
Cartier
Camp,
Sept. 18.

Bernier to Bourlamaque. A.L.S. Expressing his own grief at Montcalm's death. Detailed account of situation at Quebec; numbers of killed and wounded. The city "nothing but a formless mass of ruins;" a reign of confusion, disorder, and pillage. pp. 139-142

Quebec,
Sept. 27.

De Levis to Bourlamaque. A.L.S. Reporting loss of Quebec; arrived too late to avert its surrender; terms of capitulation. Will not however, prevent their wintering in Canada. Particulars of his present position. Should the enemy retain Quebec, the safety of the colony depends on preventing junction with up-country. Reinforcements available for defence of Isle aux Noix. pp. 143-146

Jacques
Cartier,
Sept. 28.

De Levis to Bourlamaque. L.S. Vaudreuil likely to reach Montreal in three days; is sure to approve of his arrangements. Asks for a return of the three battalions in winter quarters. Difficulties raised by enemy in regard to wounded in hospital; wish to treat as prisoners of war all engaged in the action of the 13th. pp. 147-150

Jacques
Cartier,
Sept. 29.

De Levis to Bourlamaque. L.S. No report to make of enemy movements; is building a fort at the head of the Jacques Cartier river. De Longueuil's disposition of Indian tribes named. Is constantly sending people back to Montreal Government. Various routine military instructions. pp. 151-154

Oct. 4.

De Levis to Bourlamaque. L.S. Will retake Quebec this winter, if possible. *Re* fort at Jacques Cartier (as above); its advantages. Unsuccessful attempt against enemy towards the St. Lawrence; burning of St. François. pp. 155-158

Oct. 6.

Pontleroy to Bourlamaque. A.L.S. Report of enemy raid on St. François: enemy fortifying himself at Quebec; French at Jacques Cartier. pp. 159-160

Three Rivers,
Oct. 6.

De Bougainville to Bourlamaque. A.L.S. Detailed account of his own position. Enemy to leave three or four thousand men in Quebec. News from France. Enemy profess surprise at resistance of

Pointe aux
Trembles,
Oct. 10.

1759.

Montreal; French equally surprised at inaction of Amherst and Forbes. "If we have done many foolish things, the balance is at least even."

pp. 165-166

Jacques
Cartier,
Oct. 16.

De Levis to Bourlamaque. A.L.S. Impatiently awaiting arrival of schooners sent to take away officers' belongings; expects trouble with the enemy. *Re* winter quarters for battalions referred to in letter of Sept. 29.

pp. 161-164

Oct. 19.

De Levis to Bourlamaque. L.S. Believes important operations impending (at Isle aux Noix); regrets loss of his flotilla; does not think enemy can make the portage, so late in the season; details *re* units named. Enemy threaten sortie; can give a good account of them, if they come by road; will have to fall back on frigates, should they come by water. Has cut communication with Quebec.

pp. 167-170

Jacques
Cartier,
Oct. 26.

De Levis to Bourlamaque. L.S. Has received his letters *re* Amherst's march; Vaudreuil is sure to reinforce him, should he be attacked. 2,000 men sent to Montreal Government. Vaudreuil's fears concerning the rapids; de Levis likely to be recalled to Montreal. Enemy have left ten battalions in Quebec. Longs for the snow, to put an end to the campaign.

pp. 171-174

Same place,
Oct. 23.

De Levis to Bourlamaque. L.S. Importance of stopping Amherst at Isle aux Noix; other roads of very little use to him. Vaudreuil's difficulty in connexion with the militia levy; his own action in the matter. Slow progress of his post. Only two enemy ships in the river: instructions *re* despatches.

pp. 175-178

Same place,
Nov. 1.

De Levis to Bourlamaque. L.S. *Re* Amherst's withdrawal from Isle aux Noix; bad disposition of Canadians; can only trust troops sent to his relief; their arduous march. Particulars *re* various units, etc.

pp. 179-182

St. John's,
Nov. 9.

D'Hébecourt to Bourlamaque. A.L.S. Regrets that his disagreement with Vaudreuil, and his bad state of health, will prevent his taking any command in Canada. Various routine military details.

pp. 183-186

Montreal,
Nov. 15.

De Levis to Bourlamaque. A.L.S. Reporting his arrival. Particulars *re* movements of regiments. Instructions to be given, *re* defence of Chambly river; marching to Isle aux Noix and St. John's, in case of need; no hospital at Chambly. Is eager to see him soon.

pp. 187-190

1760.

Montreal,
Feb. 25.

De Levis to Bourlamaque. A.L.S. *Re* field hospital. Army to march soon. Parishes to supply fascines, fagots, and gabions, to be brought to the river bank for shipment; will save much time and labour. Matter left to Bourlamaque's decision. Bridge to be built over the Jacques Cartier river.

pp. 191-194

Montreal,
Feb. 27.

De Levis to Bourlamaque. A.L.S. *Re* various detachments; economy of food; etc.

pp. 195-198

Montreal,
Feb. 29.

De Levis to Bourlamaque. A.L.S. *Re* various points to be occupied; fascines; batteries; burning of Point Levis and Ste. Foye; inhabitants to be sent to down-river parishes for maintenance.

pp. 199-202

Montreal,
March 2.

De Levis to Bourlamaque. A.L.S. Approves of his action *re* party sent south; can only act as circumstances permit. Down-river parishes must be warned to intercept messengers from Acadia; instructions as to their route. Is to give all necessary orders in relation to the frontier, and join de Levis as soon as possible.

pp. 203-206

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- Montbeillard to Bourlamaque. A.L.S. Report on his situation; works in progress; stockade at Jacques Cartier; will set boats free for other purposes; general details. pp. 207-210 1760. Deschambault, March 17.
- Dumas to Bourlamaque. A.L.S. General military details. pp. 211-214 St. Martin, March 18.
- De Levis to Bourlamaque. A.L.S. Is fully aware of his difficulties; is to give all necessary instructions before leaving the frontier. Amherst's army reassembled at St. Frederic; trusts to prisoners for exact information as to his movements. Instructions *re* various units referred to. pp. 215-218 Montreal, March 22.
- De Levis to Bourlamaque. A.L.S. Conveying Vaudreuil's orders in regard to garrisons of Isle aux Noix and St. John's. Instructions to be given by him before leaving. pp. 219-222 Montreal, March 23.
- Dumas to Bourlamaque. A.L.S. Report confirmed of a strong sortie on the 24th; to resume the attack prevented by the cold on the 20th. Enemy uncertain as to French ability to attack. Much sickness in Quebec. pp. 223-226 Jacques Cartier, March 28.
- Dumas to Bourlamaque. A.L.S. His own personal affairs only; accounts, etc. pp. 227-230 Jacques Cartier, March 30.
- De Bougainville to Bourlamaque. A.L.S. Full and detailed report of his situation, works, trenches, etc. Plan of action in the event of an enemy attack; workmen needed. pp. 231-234 Isle aux Noix, April 5.
- De Bougainville to Bourlamaque. Same subject. pp. 235-236 April 8.
- Dumas to Bourlamaque. A.L.S. *Re* mortality in Quebec. Enemy has had several alarms; think French stronger than they really are; does not believe that they will come out in the open. pp. 237-240 Jacques Cartier, April 12.
- De Bougainville to Bourlamaque. A.L.S. Detailed report of his situation. pp. 241-244 Isle aux Noix, April 16.
- De Bougainville to Bourlamaque. A.L.S. Shorter report; same subject. pp. 245-246 Same place, April 20.
- De Levis to Bourlamaque. L.S. Whole army on the march; night encampment between Deschambault and Ste. Anne; will reach Pointe aux Trembles the next day. Haste needed to reach Quebec by land or by water; should then be able to cut off enemy posts; failure certain should they learn of French advance. Land advance would prevent enemy entrenching himself on Quebec heights. pp. 247-250 Jacques Cartier, April 23.
- De Levis to Bourlamaque. A.L.S. Is in possession of the Bute à Neveu. Army disposed in two lines. pp. 251-252 Undated.
- De Bougainville to Bourlamaque. A.L.S. Plan of proposed defence in the event of enemy attack. pp. 253-254 Isle aux Noix, April 29.
- La Rochette to Bourlamaque. A.L.S. Joy of victory of April 28 tempered by loss of so many brave officers, and regret at his being wounded. pp. 255-256 Montreal, May 2.
- De Levis to Bourlamaque. L.S. *Re* slow progress of works. All quiet at Montreal. pp. 257-260 Camp, May 3.
- De Bougainville to Bourlamaque. A.L.S. Congratulations on success of April 28. Regret at his wound. pp. 261-262 Isle aux Noix, May 4.
- De Bougainville to Bourlamaque. A.L.S. Enemy ships anchored at the head of the islands; making soundings of the channel. Is sending to Missiskoui bay, to ascertain what the enemy are doing behind their ships. pp. 263-264 Same place, May 12.

1760.
Camp,
May 15.

De Levis to Bourlamaque. L.S. Reporting arrival of two enemy ships; is withdrawing his guns; shipment impossible on account of weather. Prisoner reports fleet in the river, where there are troops; would like to make his retreat the next day. Instructions *re* transport of wounded. pp. 265-268

Isle aux
Noix,
May 17.

De Bougainville to Bourlamaque. A.L.S. Regrets his wound. Has been told that the engineers were at variance; consequent loss of time irreparable. Had heard of the fight of April 28. Nothing to report. pp. 269-270

Jacques
Cartier,
May 21.
Pointe aux
Trembles,
May 19.

De Levis to Bourlamaque. L.S. Has just learned arrival of seven enemy war ships at Quebec. Has decided to cross Jacques Cartier river as soon as possible, and assemble army at Deschambault. Urgent need of bridge or pontoons for crossing the river; all the engineers to be employed. Has rescued all food. Instructions *re* escaping Canadians, Indians will not fight; must be allowed to go. Good news from Montreal, to offset their unfortunate situation. All munitions stopped at Jacques Cartier to be sent up-river again; army to move on at noon; Bourlamaque's to follow. pp. 273-276

May 21.

De Levis to Bourlamaque. L.S. Asking him to send as many boats as possible; must not interfere with passage of Jacques Cartier river. Army to march that morning; particulars of measures taken. pp. 293-294

Undated.

De Levis to Bourlamaque. L.S. *Re* disposition of his army; in consequence of news from Quebec. pp. 277-278

De Levis to Bourlamaque. L.S. Routine military matters. pp. 271-272

Jacques
Cartier
May 22.

De Levis to Bourlamaque. L.S. Army not to move that day; no bread baked. Enemy say Quebec should have been attacked by the St. John's Gate. pp. 289-292

Undated.

De Levis to Bourlamaque. L.S. Instructions *re* provision boats. Does not know what to think of the news from Quebec. Vaudreuil seems reconciled to raising of the siege. He (de Levis) in charge of the whole (Quebec) frontier. pp. 283-284

May 21.

De Levis to Bourlamaque. L.S. Is sending him a boat load of goods; instructions to be given *re* same. Various routine matters; movements of French ships; etc. pp. 285-288

Pointe aux
Trembles,
May 19.

De Levis to Bourlamaque. L.S. Can send him no reinforcements that evening. Anxious as to his retreat, and to be across the Cap Rouge river. Is to give instructions required by the situation. pp. 279-282

Jacques
Cartier,
May 22.

De Levis to Bourlamaque. L.S. *Re* powder left at Deschambault; amount needed to protect the rear. Will not leave for Montreal until all his dispositions are complete. Bourlamaque should go there, to rest and recover. pp. 295-296

Isle aux
Noix,
June 10.

De Bougainville to Bourlamaque. A.L.S. Report of scouting party sent to St. Frederic. Anxiety as to difficulty of opposing Murray, should he ascend above Three Rivers; or even higher; lack of troops and provisions needed in such a contingency. pp. 297-300

Same place,
June 13.

De Bougainville to Bourlamaque. A.L.S. News from France; his uncle's report. pp. 301-302

Deschambault,
June 16.

Dumas to Bourlamaque. A.L.S. Report of his own position; details of various enemy activities. pp. 303-306

Isle aux
Noix,
June 28.

De Bougainville to Bourlamaque. A.L.S. Ships ordered to return up-river to St. Frederic; seems to indicate an earlier general

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- movement than is expected at Montreal. Thinks Quebec fleet will co-operate with Amherst's march. Is making a second line crowning the hill; advantages of measures taken at the fort. pp. 315-318
- De Bougainville to Bourlamaque. A.L.S. Gives reasons for what he has done at the fort. Has followed his instructions *re* artillery. Other routine details. pp. 319-320
- De Levis to Bourlamaque. A.L.S. Has received his letter. Strong N.E. wind blowing. May expect news of enemy today; should he have any, must take all necessary measures beforehand. pp. 307-310
- De Levis to Bourlamaque. L.S. Various routine details. Cannot understand delay of messenger from Three Rivers. Prisoner's account of Amherst's forces and movements. pp. 311-314
- De Bougainville to Bourlamaque. A.L.S. Departure of Indians; Canadians refuse to go scouting. Consequent difficulty of reporting enemy movements. Enemy will act now, or no more this year. Instructions given to various units. pp. 321-324
- De Levis to Bourlamaque. L.S. Particulars of enemy movements; news from France. Hopes Bourlamaque's artillery will join him today. Vaudreuil's decision to fall back on posts in rear of Three Rivers. Other military details. pp. 325-326
- De Levis to Bourlamaque. A.L.S. Has received his news of enemy's anchoring a league from entrance to islands; sure to be followed by second division; must march alongside of it should it pass Sorel. Detailed instructions as to course of action to be pursued; units to be employed, etc. pp. 327-330
- Bigot to Bourlamaque. A.L.S. Explains non-delivery of shoes asked for. Other routine details. pp. 331-334
- De Levis to Bourlamaque. L.S. Vaudreuil's approval of his arrangements; is to follow enemy fleet along south bank of the river; instructions to be observed in the event of the enemy's landing on the Island of Montreal. Other routine military matters. pp. 335-338
- De Levis to Bourlamaque. A.L.S. His letter lost in transit; messenger's report of his position; enemy landing at Sorel; Bourlamaque can only watch them; units he can make use of. pp. 339-342
- De Levis to Bourlamaque. L.S. Is anxious about Bourlamaque's position; units about to join him. Can see nothing of enemy's position from where he is. pp. 343-346
- De Levis to Bourlamaque. L.S. Search being made for missing habitants. Longueuil reports second enemy division of 18 sail as having passed Three Rivers, and entered lake. Thinks Sorel Point enemy objective; must take care not to allow his position to be turned. pp. 347-348
- De Levis to Bourlamaque. L.S. Various routine military details. Louisbourg reported dismantled; disposal of garrison. Must hold out as long as possible; much talk of peace. pp. 353-356
- De Levis to Bourlamaque. L.S. Has proclaimed militia levy, and reported to Vaudreuil. Bourlamaque to do likewise; how possible recruits are to be dealt with. Can send him no more guns. Instructions sent him *re* his position. pp. 357-360
- De Levis to Bourlamaque. L.S. Reporting movements of enemy fleet. Arms to be taken from second command militia. Thinks enemy have landing force of 3,000, not more. Amherst's and Murray's movements. pp. 349-352

1760.

Same place,
July 6.

July 26.

Montreal,
Aug. 3.Same place,
Aug. 9.Montreal,
Aug. 10.Montreal,
Aug. 11.Montreal,
Aug. 13.Montreal,
Aug. 13.Montreal,
Aug. 14.Berthier,
Aug. 15.Same place
and date.

Aug. 16.

Berthier,
Same date.Same place,
Aug. 17.

1760.
Sorel,
Aug. 17.

De Levis to Bourlamaque. L.S. Thinks letter referred to was meant to fall into their hands. Enemy fleet becalmed; must be prepared to follow it, to cover right bank of river. Urgent necessity of guarding Sorel river, should enemy fleet return thither; otherwise, must follow it as far as Longueuil; junction at Montreal or Chambly; has received news hastening his departure. pp. 361-364

Sorel,
Aug. 18.

De Levis to Bourlamaque. L.S. Canadian spy to be put to death. Movements of enemy fleet will determine their own. pp. 365-368

Montreal,
Same date.

Bigot to Bourlamaque. A.L.S. *Re* Canadian prisoners; supplies of beef. Amherst at Chouaguen; will come down by way of the rapids; defence there entrusted to La Corne. This attack will decide the fate of the interior of Canada, and of those in it; French generals doing their best. pp. 369-372

Montreal,
same date.

De Levis to Bourlamaque. L.S. Learns that Canada is being attacked on all sides; full particulars of enemy activities, and of instructions given in consequence. Murray to be allowed to hold Sorel; will greatly lessen anxiety in regard to Montreal; Bourlamaque to withdraw from that position and precede enemy fleet upstream, with the greater part of his force. Parties to be left, to report movements of enemy fleet; he is to act according to circumstances. Vaudreuil has ordered a general arming. pp. 373-376

Montreal,
Aug. 19.

De Levis to Bourlamaque. L.S. *Re* his orders of yesterday; instructions as to flour, ovens, and bread for the troops; *re* units to be sent in advance towards Longueuil. Bougainville's and Pouchot's reports of enemy movements. pp. 377-380

Same place
and date.

De Levis to Bourlamaque. A.L.S. Is to take up position most likely to impress the enemy. Murray's cautious conduct. Bourlamaque to regulate his course by enemy movements. Disadvantages of his own position on the north side; must hold out as long as possible; perhaps peace will come to their relief. Nothing to fear in his rear. Particulars *re* St. John's and Laprairie. Supply of rations. pp. 381-384

Montreal,
Aug. 20.

De Levis to Bourlamaque. A.L.S. Enemy fleet still wind-bound; gives him time to get ahead of them. Instructions *re* defence of lower Sorel river, in the event of whole fleet returning to Sorel; also, in case of its proceeding upstream; levy of all inhabitants capable of bearing arms. Is to act as agreed upon. pp. 385-388

Montreal,
Aug. 22.

De Levis to Bourlamaque. L.S. Same subject. pp. 389-392

Montreal,
Aug. 23.

De Levis to Bourlamaque. L.S. Enemy objective appears to be Montreal, not Sorel river. Difficulties everywhere, must be met in the best way possible. Strong measures to be taken in regard to defection of Canadians; Vaudreuil to issue an order to that effect. His artillery may be sent to Longueuil. Enemy alarm at Isle aux Noix. pp. 393-398

Same place
and date.

De Levis to Bourlamaque. L.S. No instructions to give as to Sorel and Chambly river. Further reference to defection of Canadians. pp. 397-400

Montreal,
Aug. 25.

De Levis to Bourlamaque. A.L.S. Will send boats to bring his artillery to Longueuil. Instructions as to executions for disobedience to Vaudreuil's orders *re* general levy. Heavy bombardment of Isle aux Noix. pp. 401-404

Montreal,
Aug. 26.

De Levis to Bourlamaque. Private. L.S. St. John's river flotilla captured by enemy; communication wholly cut off. Bougainville

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reports inability to hold out long; heavy losses; disaffection among his troops; will be ordered to evacuate Isle aux Noix, and to make the best retreat possible. Other instructions, to the same purpose; Laprairie and Chambly; no question of defending Chambly river. Urgent need of his reaching Longueuil; detailed directions in regard to his march. pp. 405-408

De Levis to Bourlamaque. A.L.S. Has received his letter from Longueuil. Minute instructions as to disposal of troops; guarding of south shore, until relieved. Route to be followed in the event of his being driven from his position. No news from Isle aux Noix. Undated.

pp. 409-412

De Levis to Bourlamaque. A.L.S. All available canoes and boats sent to facilitate his passage of the river. Directions to be followed in doing so. pp. 413-416

De Levis to Bourlamaque. L.S. Approves of his opinion *re* de Rocquemaure's embarkation, instructions *re* shipment at Laprairie and Longueuil. De Bougainville's troops have joined de Rocquemaure's at St. John's; losses fewer than feared. Desertions of Canadians; circular letter from Vaudreuil, ordering them to rejoin. De Rocquemaure's instructions *re* holding St. John's, Chambly, etc. Aug. 29.

pp. 417-420

De Levis to Bourlamaque. A.L.S. De Rocquemaure's difficulties; will make personal investigation. Will visit Bourlamaque at Longueuil, and devise necessary plans. Aug. 30.

pp. 421-422

De Levis to Bourlamaque. L.S. Report of enemy landing at Varennes; no hope of attacking them. Troops to be collected between Boucherville and Longueuil, and to fall back, for passage of river, should enemy appear in force at Boucherville. Must play with them as long as he can, to give time for de Rocquemaure's embarkation, in the last resort; his own movements. Laprairie, Aug. 31.

pp. 423-426

De Levis to Bourlamaque. A.L.S. Asking him to send 100 men to hold the market-place and St. Lawrence gates of the town. Has seen enemy advance guard on the march, two leagues from the Recollet Gate. Undated.

pp. 427-430

De Levis to Bourlamaque. L.S. Vaudreuil greatly distressed at the defection of the troops and the Canadians; an example to be made in regard to the latter, at the first opportunity. Vaudreuil thinks South Shore should be held as long as possible while in readiness to retire; no supplies procurable from the South Shore, once the whole army is on the other side of the river; the end very near, should the enemy effect their junction. St. Luc to take large party of Indians towards St. John's. Montreal, Sept. 1.

pp. 431-432

De Levis to Bourlamaque. L.S. Has received his news of enemy's remaining at Varennes, has heard that they had re-embarked. De Rocquemaure to stay where he is. Outposts useful in obtaining news of enemy movements. Instructions to be followed in the event of advance of enemy fleet; or threat of a landing. Same place and date.

pp. 433-438

Murray to Bourlamaque. L.S. Complaining that, contrary to his promise, his officer has not been allowed to join Amherst. Sept. 8.

pp. 437-440

De Levis to Bourlamaque. A.L.S. Matters of personal interest, only, will plead his cause as if it were his own. La Rochelle, Dec. 1.

pp. 441-444

1761.
Kelkum Camp,
June 10. De Levis to Bourlamaque. A.L.S. Same subject. News of French army. pp. 445-448
- Soist Camp,
July 11. De Levis to Bourlamaque. A.L.S. Same subject. pp. 449-452

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May 4. Doreil to Bourlamaque. L.S. Personal compliments, and good wishes. Rigaud's successful opening of the campaign. No news of the ships in the river. *Re* two British hostages, Stobo and Wambram (sic). Local gossip; the Bishop, the Intendant; Madame de Beau-bassin and the ladies of the Rue du Parloir; the first leaving for Montreal. pp. 247-250
- St. John's.
May 22. Senezergues to Bourlamaque. A.L.S. Reporting arrival of bat-talion. Routine details. pp. 237-238
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- St. John's.
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- Carillon,
Nov. 21. D'Hébécourt to Bourlamaque. A.L.S. *Re* flour received and dealt with, as instructed. Supplies sent by Bigot very scanty for a winter station. Progress of third and fourth barrier; enemy attacks; damage done; begs his intervention with the Intendant. pp. 273-276
- Carillon,
Nov. 24. D'Hébécourt to Bourlamaque. A.L.S. *Re* shoes, shirts, and other commodities. pp. 277-280
1758.
Carillon,
Jan. 6. D'Hébécourt to Bourlamaque. A.L.S. Complaints of a number of desertions—details given—through lack of Indians to prevent them. Account of enemy attack; fire; cattle killed; routine military details. Discontent of the garrison. pp. 281-284
- Carillon,
Jan. 6. (Illegible) to Bourlamaque. A.L.S. Personal compliments and New Year wishes. Account of enemy attack on night of Dec. 24-25; attempt to fire wood supply; his own report to d'Hébécourt; cannon fire prevents enemy's accomplishing his purpose of burning lower fort (*basseville*) and hospital. Wolff's pursuit of deserting sergeant; sergeant of the guard sent out to investigate fire seen the previous evening; alarm; Wolff recalled by gun signal; his account of fight between Robert Rogers, leader of enemy party, and those under Arnoux; the latter utterly defeated. pp. 325-328
- (Cf. Hébécourt's letter of the same date; ante pp. 281-284.)
- Carillon,
Feb. 6. D'Hébécourt to Bourlamaque. A.L.S. Arrival of de Langy, with party, from scouting near Fort Lydius. Will comply with his instruc-tions, as far as may be possible. Various routine details; weather;

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- carpenters; communication with the river; small likelihood of a surprise; supply of firewood; guns; ammunition, etc. pp. 285-288 Carillon, Feb. 12.
- D'Hébecourt to Bourlamaque. A.L.S. Reporting de Langy's successful raid near Fort Lydius; details of enemy garrison; fortifications; etc. pp. 289-292
- D'Hébecourt to Bourlamaque. A.L.S. Workss seriously delayed by total loss of horses; replaced by men, whenever possible; routine details. Montcalm's letter to Loudoun taken to Lydius by Wolfe, politely received, in spite of recent raid. Woolfe on raid towards Orange river. Enemy prisoner reports number of troops in New England; return enclosed. Plan of Fort Lydius taken from him. Various routine details. Loudoun said to have returned to England. pp. 293-300 Carillon, March 10.
- D'Hébecourt to Bourlamaque. L.S. Wolfe's raid not so successful as hoped for; details. Two enemy officers captured; Abercromby at New York; price set by that government on scalps. Report *re* Indian quarrels on the Ohio. pp. 301-304 Carillon, March 29.
- D'Hébecourt to Montcalm. (Copy.) To the same effect, in somewhat fuller detail, as his letter, of even date, to Bourlamaque. (ante.) p. 301). pp. 321-324 Carillon, March 29.
- D'Hébecourt to (unaddressed). A.L.S. All quiet where he is. Indian party sent out; more trouble caused by rivalry and jealousy of young men, than by the whole of England. Details *re* Indians. pp. 313-316 1759.
- D'Hébecourt to (unaddressed). A.L.S. Transmitting report of enemy prisoner. Loss of the Ohio. Cost of keeping Indians. Parties sent out not very successful. pp. 305-308 Carillon, Jan. 25.
- Doreil to Bourlamaque. L.S. Triplicate. Promotions and rate of pay of various officers named. pp. 257-264 Versailles, Feb. 20.
- D'Hébecourt to Bourlamaque. A.L.S. Indians discover trail of large enemy party near the rapids. Gun signal not attended to; sharp engagement with enemy; latter driven into the woods; French losses. pp. 309-312 Carillon, March 10.
- D'Hébecourt to Montcalm. A.L.S. Reporting counterfeiting case. Supplies of various sorts. Scouting activities of Hertel and Cabanac. pp. 317-320 Carillon, March 7.
- Rigaud to Bourlamaque. A.L.S. *Re* letters forwarded. pp. 5-8 Montreal, May 25.
- Rigaud to Bourlamaque. L.S. Is making every preparation, there, at Chambly, and at St. John's to fly to his assistance. Refers to Vaudreuil's order *re* Montreal government militia. News of enemy fleet. Boats, with Montreal militia, leave for Quebec the next day; should raise Vaudreuil's force to sixteen or seventeen thousand men. La Corne, with *800 men, sent to La Présentation, thence to Chouaguen, to be joined, by Montigny, now at Niagara, with force specified. Is expecting tribes from Michillimakinac, to be sent to Quebec. Arrival of Five Nations' canoes. Courtemanche to raise the Abenakis. pp. 1-4 *Sic.
- Rigaud to Bourlamaque. L.S. *Re* Indians, reinforcements, etc., sent to him. Has notified La Corne, who has left Lachine, with *8,000 men, of the march of an enemy force of 4,000 on La Présentation. No enemy movement on the Ohio; smallness of his garrison. Excellent disposition of all the Indian tribes. pp. 9-12 Montreal, June 3.
- Rigaud to Bourlamaque. L.S. Orders given *re* manning of boats. pp. 13-14 1759. Montreal, June 4.

1759.
St. Charles,
River Camp,
June 5.

Malartic to Bourlamaque. A.L.S. All likely to procure advancement in this campaign, which will give them plenty to do. Personal compliments. Detailed description of his own position, and that of various units named. Need of opposing enemy immediately on landing; no time should be given him to entrench himself.

pp. 187-190

Montreal,
June 11.

Rigaud to Bourlamaque. L.S. *Re* parties of Indians sent to him as requested; his need of them for acquiring knowledge of the enemy's movements. Will make all preparations, as instructed by Vaudreuil, to go to Bourlamaque's assistance. Sends him latest news from Quebec.

pp. 15-18

Montreal
June 18.

Rigaud to Bourlamaque. L.S. Has seen Ganectation on his return from Carillon; his futile excuses for conduct of Indians. Is sending him Levreau Langy to relieve his brother and Sabrevois, the only two officers available for scouting. Domiciled Indians to be allowed to return home when they wish; promises to replace them.

pp. 19-22

Camp at
R. St. Charles,
June 19.

Malartic to Bourlamaque. A.L.S. Asking permission to use his horse. Mde. Marin wishes to know if he has received her letter. Montreal town battalion sent to Beauport.

pp. 191-194

Montreal,
June 23.

Rigaud to Bourlamaque. L.S. Has received La Corne's report; is awaiting news of enemy's march in order to go and meet him. Post at Isle au Galot of no value; river too wide to right and left; fears inability to check enemy advance. Prisoners report restoration of Chouaguen as chief enemy objective in that region; thinks they will attack La Corne, who has only twelve to thirteen hundred men, de Montigny not having joined him, being sent towards the Ohio. Prisoners' differing reports of enemy forces at Chouaguen. Vaudreuil's parting instructions. Rigaud to join Bourlamaque, with all forces available, immediately on hearing of latter's retirement on Isle aux Noix from Carillon and St. Frederic. His own desire to join Bourlamaque with the force at his disposal, and hold Carillon; Vaudreuil insists on greater need of keeping Quebec, as being the capital. Numbers he can count on for march to St. John's and Laprairie on hearing of Bourlamaque's retreat from St. Frederic. Strength of French army at Quebec. Friction at Isle aux Noix between Germain and engineer sent there. Vaudreuil's report of enemy fleet. His own trust in Bourlamaque's ability for defence of frontier; Indians leaving for Carillon.

pp. 23-30

St. John's,
Camp,
June 28.

Senezergues to Bourlamaque. A.L.S. Enclosing Vaudreuil's instructions *re* dates of departure for Carillon. News of Boscawen's fleet; siege of Louisbourg; the French fleet.

pp. 239-242

Montreal,
June 30.

Rigaud to Bourlamaque. L.S. Has forwarded his report *re* strong enemy force at Fort George, and possibility of attack from thence, to Vaudreuil. Messengers sent to summon Sault and Lake Indians. Parties of Indians sent out, under St. Blin, La Durantaye, and La Vérandrye. Details *re* others. News of enemy fleet. No news from La Corne.

pp. 31-34

Montreal,
July 1.

Rigaud to Bourlamaque. L.S. Conveying Vaudreuil's news of enemy fleet.

pp. 35-38

Montreal,
July 2.

Rigaud to Bourlamaque. L.S. Vaudreuil expecting immediate attack at Quebec; enemy fleet close to the capital; landing on Island of Orleans. La Corne leaving for Chouaguen. Has made all the protests possible to Vaudreuil concerning the smallness of the force

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left in the Montreal Government. Necessity of defending capital given as a reason; Vaudreuil doubtless acting under instructions.

1759.

pp. 39-42

Rigaud to Bourlamaque. L.S. Has "fortunately" opened Bourlamaque's letter to Vaudreuil; has learned of Johnson's concealed march; has taken means to ascertain his route; Père Gourdan at St. Regis, and Père Espinassy at La Présentation instructed to have

Montreal,
July 9.

scouting parties constantly on the road in the rear of the two missions, and to report any movement of troops to him at once. Will then instantly send party of Canadians and Indians to ambush Johnson, to attack or harass him on his march.

pp. 43-46

Rigaud to Bourlamaque. L.S. Details of Indians sent to him. Various routine matters.

Montreal,
July 11.

pp. 47-50

Rigaud to Bourlamaque. L.S. Conveying particulars of Vaudreuil's report *re* enemy activities at Quebec.

Montreal,
July 13.

pp. 51-54

Rigaud to Bourlamaque. L.S. Has received La Corne's detailed account of his raid on Chouaguen; failure due to panic and flight of militia; barges destroyed; losses.

Montreal,
July 15.

pp. 55-58

Rigaud to Bourlamaque. L.S. Pouchot reports appearance of enemy before Niagara. Details of engagement. Constant little skirmishes at Quebec between French and enemy.

Montreal,
July 16.

pp. 59-62

Rigaud to Bourlamaque. L.S. Captain Jacob sent back by Indians, placed in civil prison. Pouchot's detailed report; appearance of enemy party before Niagara. Particulars concerning tribes of Indians mentioned. Johnson's arrival at Niagara; his junction with force from Chouaguen. La Force ordered to cruise in front of Chouaguen, discovers encampment of some 3,000 men there. Strength of reinforcements sent to Pouchot from the Ohio.

Montreal,
July 18.

pp. 63-70

Rigaud to Bourlamaque. L.S. *Re* wives of men working at Carillon and St. Frederic. Details.

Montreal,
July 20.

pp. 71-74

Rigaud to Bourlamaque. L.S. News from Quebec; statement of German deserter from Royal Americans; details of enemy forces. Vaudreuil reports Wolfe as apparently very irresolute and in difficulties; feels sure that the enemy will be obliged to take ship again.

Same place
and date.

pp. 75-78

Rigaud to Bourlamaque. L.S. *Re* Vaudreuil's instructions to send Fournier, the engineer at Isle aux Noix, all the men he asks for. Refers to Bourlamaque's familiarity with the situation there. Instructions given to Fournier accordingly. Report of Indian party sent down by La Verendrye.

Montreal,
July 22.

pp. 79-82

Rigaud to Bourlamaque. L.S. Consultation with St. Luc and other officers attached to Indians. Intends to form a camp at La-prairie. Possibility of his having to go to the Rapids. Sends him Vaudreuil's account of an action at Quebec.

Montreal,
Aug. 5.

pp. 83-84

Rigaud to Bourlamaque. L.S. News from La Corne: Pouchot's letters to Vaudreuil; capitulation of Niagara, July 24-25. Details. "A furious blow to this Colony, and for our Upper country". Thinks La Corne likely to be attacked soon.

Montreal,
Aug. 7.

pp. 85-88

Rigaud to Bourlamaque. L.S. Has forwarded his letters to Vaudreuil, and made representations, in the same sense, *re* Bourlamaque's urgent need of reinforcements for the safety of the Montreal Government; also, La Corne's need. Inevitable effect of loss of said government, the only quarter whence the French can draw supplies. Leaves on Friday for Laprairie.

Montreal,
Aug. 8.

pp. 89-92

1759.

Montreal,
Aug. 8.

Henri de Vaudreuil to Bourlamaque. A.L.S. Personal, only.

pp. 93-94

Montreal,
Aug. 14.

Rigaud to Bourlamaque. L.S. All his arrangements come to naught through de Levis' arrival and assumption of general command in Montreal Government. Reasoned, yet candid criticism of use made of men taken from Camp at Laprairie, and of reliefs sent from Quebec. The former, as parishioners of Chateauguay, and familiar with local conditions, should have been left in their own government, and the latter sent to the Rapids; the very opposite course has been followed. Would have done otherwise—as detailed—had he been master. Relation of action taken to possible attack on Bourlamaque by Amherst. In these matters, every one has his own way; does not claim, in stating his own, to disapprove that of others.

pp. 95-98

Montreal,
Aug. 16.

Rigaud to Bourlamaque. L.S. La Corne reports everything so quiet where he is that he would like to serve under Bourlamaque. Escaped French prisoners from Niagara, and a deserter, give Chouaguen army at only two thousand men. Johnson ordered to return to Orange with greater part of his forces. His troops, and those at Niagara, said to be entirely without food. De Levis, at Isle au Galop, will be able to find out things and act accordingly. Old men and children at St. John's; would be better employed in harvesting at home.

pp. 99-102

Montreal,
Aug. 18.

Rigaud to Bourlamaque. L.S. Men needed, fore and aft, on boats taking men and provisions to Isle au Galop. Details.

pp. 103-104

Beaumont
Camp,
Aug. 20.

Malartic to Bourlamaque. A.L.S. Work involved in evacuation of Carillon and St. Frederic. Hopes he will check Amherst, should he appear. Enemy at Quebec still in the same position; details.

pp. 199-200

Montreal,
Aug. 23.

Rigaud to Bourlamaque. L.S. *Re* second encinte at St. John's; women and the harvest; deserters to be sent back to him; order to missionary at St. Francis to send his Indians out scouting. No news from the Rapids.

pp. 105-108

Montreal,
Aug. 24.

Rigaud to Bourlamaque. L.S. Difficulty of finding men for the harvest.

pp. 109-110

Beaumont
Camp,
Aug. 31.

Malartic to Bourlamaque. A.L.S. Personal matters. End of August reached without being attacked. Hopes September will be the same, and bring the end of their anxieties.

pp. 201-204

Montreal,
Sept. 6.

Rigaud to Bourlamaque. L.S. *Re* letters forwarded and received. De Levis returning that day. Routine military details.

pp. 111-114

Montreal,
Sept. 7.

Rigaud to Bourlamaque. L.S. *Re* men for harvest. Fears Bourlamaque could not resist Amherst's attack, if made. Thanks him for sending back inhabitants of Chambly river, etc.

pp. 115-118

Montreal,
Sept. 9.

Malartic to Bourlamaque. A.L.S. Intendant's instructions *re* bills of exchange. Rumoured departure of part of enemy fleet on the 7th. Progress of works at Quebec, lack of tools and materials.

pp. 205-206

Montreal,
Sept. 13.

Rigaud to Bourlamaque. L.S. No news of La Corne; probability of his having been attacked. Amherst's next visit likely to be to Bourlamaque; hopes he will "box his ears soundly".

pp. 119-120

Montreal,
Sept. 14.

Rigaud to Bourlamaque. L.S. *Re* fine weather; the harvest; employment of militia.

pp. 121-124

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Rigaud to Bourlamaque. L.S. De Levis gone to Quebec. Is anxiously awaiting news of the action of the 13th. No news from Isle au Galop (sic). Indians report Johnson as marching on the Rapids with his whole army. Sault Indians to be sent to him.

1759.
Montreal,
Sept. 16.

pp. 125-128

Rigaud to Bourlamaque. L.S. Conveying Vaudreuil's news of action of the 13th; and his retreat to Jacques Cartier. Montcalm's death.

Montreal,
Sept. 17.

pp. 129-132

Rigaud to Bourlamaque. L.S. Conveying Vaudreuil's full and detailed account of the action of the 13th, with its consequences.

Montreal,
Sept. 19.

pp. 133-140

Rigaud to Bourlamaque. L.S. Indians' expression of grief at Montcalm's death. Their fears that they have lost favour with the commandants at Isle aux Noix and St. John's. Requests him to give d'Hébécourt such instructions as may be necessary. Canoes to be sent to Chambly.

Montreal,
Sept. 20.

pp. 141-144

Rigaud to Bourlamaque. L.S. Is reporting to Vaudreuil and Longueuil *re* enemy barges found at Missisquoi bay; route of party unknown. *Re* salt beef; British officer prisoners; despondency of inhabitants. Large numbers of deserters from army at Quebec.

Montreal,
Sept. 27.

pp. 145-148

Malartic to Bourlamaque. A.L.S. His stupefaction at course of events on September 13, which he attributes to want of care on part of those assigned to guard the heights. Grief for Montcalm's death.

Same place
and date.

pp. 213-216

Malartic to Bourlamaque. A.L.S. Relating events subsequent to the action of the 13th. De Levis' just disapproval of hurried retreat; return, with intention of prolonging defence of the city; news of its capitulation; further movements; enemy busy in restoring Quebec; his raids into the country to disarm the inhabitants, and tender oath of allegiance.

Jacques
Cartier
Camp,
Sept. 28.

pp. 211-212

Rigaud to Bourlamaque. L.S. Stobo sent to inform Amherst of surrender of Quebec.

Montreal,
Sept. 29.

pp. 149-150

Rigaud to Bourlamaque. L.S. Vaudreuil expected the next day; intends sending relief to Bourlamaque and La Corne. Hopes it will not interfere with their correspondence. Mde. Marin gone to Quebec. Enemy landing at Ste. Croix; capture of Canadians; oath of allegiance tendered to them.

Montreal,
Sept. 30.

pp. 151-154

Rigaud to Bourlamaque. L.S. Vaudreuil's arrival; de Levis at Jacques Cartier river; his instructions. Enemy evidently intending to remain at Quebec.

Montreal,
Oct. 1.

pp. 155-158

Malartic to Bourlamaque. A.L.S. Describes recent movements as "very enigmatic", made for no known reason. Ordered by a council of war, most of whom now disapprove of their own advice; movements made with a haste and confusion never equalled. Surrender of Quebec due to prevalent disorder, and to lack of will to defend it. Amherst has no time to lose if he wishes to pay Bourlamaque a visit.

Montreal,
Oct. 13.

pp. 217-220

Malartic to Bourlamaque. A.L.S. Rumours *re* attack on Isle aux Noix; enemy movements. Detailed account of his own doings.

Montreal,
Oct. 18.

pp. 207-210

Rigaud to Bourlamaque. L.S. Details concerning his camp; disgusted with the militia. Vaudreuil's opinion that Chambly river

Laprairie,
Oct. 19.

1759.

can supply the 500 men Bourlamaque asks for. De Langy and his scouting parties; will go to meet enemy, should he come by way of the lake; or elsewhere. pp. 159-162

Same place
and date.

Rigaud to Bourlamaque. L.S. Is remaining at Laprairie instead of going to St. John's. Position of his camp. Asks him to suggest any improvements. De Levis instructed to send back all Montreal Government men, to strengthen that district. pp. 163-164

Laprairie,
Oct. 20.

Rigaud to Bourlamaque. L.S. Arrival of small force of French and Indians; strength of his camp. Difficulty of supplying Bourlamaque with men needed. Certainty of enemy attack; its probable method; would annihilate French by dividing them. pp. 165-166

Montreal,
Oct. 25.

Malartic to Bourlamaque. A.L.S. *Re* financial affairs of various battalions. Return of quarters. pp. 221-224

Montreal,
Oct. 27.

Malartic to Bourlamaque. A.L.S. Same subjects. pp. 225-228

Montreal,
Oct. 28.

Malartic to Bourlamaque. A.L.S. Same subjects. pp. 229-232

Montreal,
Oct. 31.

Malartic to Bourlamaque. A.L.S. Same subjects; enclosing bills of exchange. pp. 233-236

1760.
Montreal,
April 26.

Rigaud to Bourlamaque. Autograph. Particulars *re* Louisbourg garrison; Beausejour; enemy movements; local gossip; Madame Marin's entertainment, etc. pp. 167-168

Montreal,
May 2.

Rigaud to Bourlamaque. A.L.S. Personal matters. Local gossip; death of Mde. de Lagorgendière; Mde. Marin inconsolable. pp. 169-170

Montreal,
May 5.

Rigaud to Bourlamaque. A.L.S. His presence greatly missed. Capture of Quebec delayed by his wound. pp. 175-176

Same place
and date.

The same to the same. A.L.S. Same subject. pp. 177-178

Montreal,
May 7.

Rigaud to Bourlamaque. A.L.S. Regretting his wound; the colony's present need of him. No need to speak of Amherst at present. Langy scouting on Lake Champlain. General regard in which Bourlamaque is held. pp. 171-174

Montreal,
May 13.

Rigaud to Bourlamaque. A.L.S. De Bougainville's report *re* enemy ships; de Langy fired on and pursued. Other routine military details. pp. 179-182

Montreal,
May 15.

Rigaud to Bourlamaque. A.L.S. *Re* Bougainville's translation of a letter found on a prisoner. Rumours of peace talk in Europe; of instructions given to Amherst; of Carillon and the Point; Johnson's movements; Louisbourg; fishing and commercial treaties; more about Bourlamaque's wound. pp. 183-186

Camp at
R. St. Charles,
June 15.

Malartic to Bourlamaque. A.L.S. Personal accounts. News of enemy fleet. Works under construction in the town. pp. 195-198.

1761.
Dusseldorf,
Jan. 13.

Fourcet to Bourlamaque. L.S. Relieved to hear of his safe arrival. Article of capitulation disarming troops in Canada, and depriving the state of their services for the remainder of the war, was not expected. His own sojourn in Germany. De Cremilles not easy to get at, but will be glad to see him.

VOLUME V

Canada—Part 1

Commission granted to M. de Bourlamaque as Colonel of Infantry in Canada under the Marquis de Montcalm. 1756.
Versailles,
March 11.

Signed, Louis; countersigned, D'Argenson. pp. 1-2

D'Argenson to Montcalm. Copy. Announcing King's decision Versailles,
March 20.
re rewards for services in North America, with list of grantees. With note, signed Montcalm, March 27, to Bourlamaque with instructions respecting the same. (Not paged but interpolated between pp. 152 and 153.)

An account, in Bourlamaque's handwriting, of his voyage from Brest to Montreal between April 3 and May 30, 1756. Undated but
probably
1756. pp. 127-134

Instructions, signed Vaudreuil, issued to Bourlamaque in regard to Fort Frontenac. Importance of fort; enemy's intended attack; troops destined for defence, engineers, personal surveys, etc. Officers stationed in fort; La Valterie to command and under his orders. Instructions *re* ships, cruisers, etc. *Re* treatment of Indians. Advanced guards to be established night and day, to prevent possibility of surprise. Boat patrol of Lake Ontario. De Villiers sent with 900 naval troops and Indians, to cut off enemy reliefs on their way to Chouaguen. Various instructions *re* possible enemy movements. The fort to be surrendered only in the last extremity. He is to comply strictly with Montcalm's orders *re* discipline, to report to him, and to send messengers whenever necessary. Montreal,
June 20.

Instructions not signed (given by Montcalm) to Bourlamaque. Montreal,
June 20.
To take his orders, in military matters, from Vaudreuil. Begs him to write to him, every time he writes to Vaudreuil. Advice *re* obtaining supplies for the troops. pp. 135-152

Instructions for emissary to be sent to Chouaguen (unsigned). To ascertain strength and disposition of garrison; whether they intend attack or defence. Details *re* Chouaguen river. pp. 153-154

Vaudreuil to Bourlamaque. D.S. Ordering him to proceed at once to Fort Frontenac, and to carry out the instructions given him. Montreal,
June 20. pp. 155-160

Vaudreuil to Bourlamaque. L.S. Has instructed Duplessis, Montreal,
June 28.
Commandant at Niagara, to embark guns and crews at Fort Frontenac. Artillery of greatest importance at Chouaguen; demands his special attention; fortifications to be postponed, if necessary. Instructions to M. de Piedmont *re* Barracks, &c. *Re* disposal of ships after transfer of Béarn Battalion from Niagara to Frontenac. Reports enemy's proposed naval attack on Frontenac. These instructions to be treated as strictly confidential. pp. 227-230

Vaudreuil to Bourlamaque. D.S. Ordering him to despatch the troops and pickets asked for by de Villiers, to ensure success of parties detailed to cut communications of enemy forts at Chouaguen, and to intercept reliefs sent thither. Plans for reduction of said Fort depend on de Villiers' execution of his instructions. Montreal,
June 28. pp. 5-8

Vaudreuil to Bourlamaque. L.S. His two letters received. Fresh instruction *re* Béarn, guns, etc., to be landed at Fort Frontenac. Montreal,
July 8.
Vital to success of his proposed expedition. Begs him to hasten artillery preparations. Instructions to various officers. pp. 231-234

1756.
Montreal,
July 14.

Vaudreuil to Bourlamaque. D.S. Ordering him to send the La Sarre Battalion, in 60 batteaux, to Rigaud, at Niaouré Bay, to join his detachment, and carry out the orders given it. Said batteaux to be fully loaded with provisions. Strict limitation of officers' baggage. pp. 235-238

Montreal,
July 14

Vaudreuil to Bourlamaque. L.S. Observes from his letter that the vessels are at Fort Frontenac, and that he is about to give effect to orders transmitted. Rigaud de Vaudreuil, Governor of Trois Rivières to take command of Villiers' camp. The vessels carrying troops from Fort Frontenac to Villiers' camp to return to Fort Frontenac to await arrival of Montcalm, who will commence siege of Chouaguen. Hopes Béarn battalion and everything else ordered from Niagara is at Fort Frontenac, so that departure of La Sarre battalion will cause no delay to work to be done. Montcalm to leave very shortly for Fort Frontenac. Provisioning voyageurs and engagés. pp. 13-16.

Montreal,
July 21.

Vaudreuil to Bourlamaque. L.S. Acknowledges letter of 13th giving account of execution of his orders. Mercier being sent to accelerate movement of artillery. Montcalm expected in Montreal that or next day; will proceed soon after to Fort Frontenac. Bourlamaque to serve with him. On arrival of batteaux Vaudreuil is sending, the expedition will be adequately victualled, and everything ready for siege of Chouaguen. pp. 17-20.

1757.

Account of military events in Canada during the year 1757. Unsigned. Rigaud's winter expedition against Fort George; details of troops engaged. Fails to surprise garrison, but destroys outbuildings, barges, etc. Defensive campaign begun, through scarcity of provisions in the colony; troops stationed at Quebec, St. John and Chambly. Bourlamaque sent to Carillon, to continue works, and watch enemy closely. Letters from France, via Louisbourg, announcing Lord Loudoun's spring expedition against that place. Plan of offensive action; siege of Fort George decided on. Particulars of troops to be employed. Escape of small party on Lake St. Sacrament from superior enemy force. Reconnaissance of Lydius, in order to alarm enemy in that quarter; naval battle on Lake St. Sacrament. De Levis sets out, with strong force, to cover passage of Lake St. Sacrament and landing of Montcalm's army. Troops set out from their several camps; arrival at Ganaouské bay. Re-inforcement of 800 men from Lydius, reaches Fort George. De Levis' advance by the high road to Orange, turns the enemy fort and entrenchment, and cuts off all communication with Lydius. Close investment of so large a position judged impracticable. Entrenched camp even less assailable; impossibility of preventing its intercourse with the fort; the two containing 2,500 to 2,400 combatants. Bourlamaque sent at nightfall to the shores of the Lake, to protect the landing of the artillery. Montcalm's preparations to support de Levis, or to facilitate his retreat. Latter falls back on the morning of the 4th. Positions taken up by his corps and various others. Trenches during the night, details of pickets and trench reliefs (6th). Letter from Webb at Lydius to Monroe at Fort George; cannot send reinforcements for 10 or 12 days; if not able to hold out, he is to seek the best terms of capitulation obtainable. Montcalm forwards above intercepted letter with one of his own. Parley from fort to propose terms of capitulation; particulars of terms agreed upon. Montcalm's strict orders to Indians not to molest English, in any way; his orders disobeyed. His personal

May

June.

July 29.

August 1.
2-3.

3-4.

4.

4-5 }
5-6 }
6-7 }
7-8 }
8-9 }

9.

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intervention. Johnson's arrival at Lydius, with strong force of militia, the day after the capitulation, followed by withdrawal on learning fate of Fort George. Fort, etc., destroyed in five days; the whole expedition accomplished in sixteen days. Return to Lake portage: particulars of winter quarters of various regiments. (1757-1758.)

16.

pp. 291 296.

Account of action fought between English and French on January 21, 1757, three leagues from Carillon. De Rouilly, fort major, ordered by de Lusignan, commandant, to proceed to St. Frederic, and bring back brandy and other supplies needed at Carillon; details of force under his command. Enemy attack; de Lusignan notified; reinforcements sent from Carillon; details of its composition. Enemy engaged; musketry attack; action sharply contested; flight of enemy at night; take up advantageous position, but retire during the night; respective losses. Enemy said to have 500 men at Fort George, and the same number at Lydius.

January 21.

3 p.m.

De Paulmy to Bourlamaque. L.S. Letters of June 13 and August 29, 1756, *re* Chouaguen expedition, received. Will be pleased to draw His Majesty's attention to his services.

Versailles,
March 20.

pp. 21-24

Instructions, signed Montcalm, to Bourlamaque. De Levis having broken up camp at the portage, and set out with part of the troops, will resign command of frontier to Bourlamaque. Orders to latter *re* Carillon; care of supplies; issue of rations; *re* post at the rapids; patrol of Lake St. Sacrament; abandonment of the portage; canoes to be hidden, for observation of enemy's movements; *re* troops left at portage camp; garrison of Fort St. Frederic to be under his orders.

Portage Camp,
April 27.

pp. 177-180

Ordinance, signed Vaudreuil, strictly forbidding supply of brandy to Indians. Indians unwilling to go out against English, unless deprived of all opportunities of obtaining brandy. Drunkenness and intertribal quarrels. Penalties attaching to infringement of this ordinance. Army commandant to see that it is enforced.

Montreal,
May 4.

pp. 239-242

Ordinance forbidding the removal of tools and materials used on the fortifications.

pp. 243-246

Montreal,
May.

Instructions, signed Vaudreuil, issued to Bourlamaque. *Re* need of guarding frontier, in every way possible, notwithstanding Rigaud's success at Fort George, and delay of General "lawden's" ambitious designs against Carillon and St. Frederic. He is to start from St. John's with Royal Roussillon. Orders and dispositions *re* Fort St. Frederic. *Re* fortifications at Carillon. Two-thirds of naval officers, troops, and Indians to form entrenched camp at the head of the portage, to harass the enemy; the remainder to encamp at the rapids. *Re* escort of supplies for Carillon; Indian scouts, to discover enemy movements; English prisoners, when taken, to be questioned separately. Dispositions in regard to meeting the enemy, his landing to be opposed. *Re* discipline and union of sea and land forces; militia; wounded; shortage of supplies; need of economy; prohibition of brandy; regulation of liquor transport, etc. Messengers to be sent to Montreal whenever necessary.

Montreal,
May 1.

pp. 161-176

Montcalm to Bourlamaque. D.S. *Re* necessity of care of men: sending back invalids, convalescents, and soldiers in need of better food, asks for exact return of Royal Roussillon and Béarn battalions; names of soldiers killed or dead since division of army; *re* land forces at Carillon; St. John's; number of soldiers at Fort St. Frederic and at Carillon, etc.

Montreal,
May 6.

pp. 181-184

Account of the Campaign in Canada until August 20, 1757. Lack of supplies having prevented operations at the opening of the campaign, it was considered sufficient to send Bourlamaque with certain troops to Carillon to take measures for its defence. First news of English expedition against Louisbourg, received from France July 10. Lord Loudoun's expedition by sea, and siege of Fort George (Fort William Henry: its situation). Few French boats on lake. De Levis arrives at Carillon; Montcalm arrives July 15. Large party of Indians sent to Fort Lydius. Montcalm sends de Levis, and others, with certain troops, to Fort George, by land, on the West Side; halt ordered at Ganaouské Bay, and signals agreed on. Montcalm sets out with rest of troops: arrives at Ganaouské. Description of Lake St. Sacrament country, and situation of fort. Details of de Levis' movements; Montcalm's and Bourlamaque's disposition and employment of troops. Trenches opened. Artillery attack (details of guns given) begun August 6. Second battery completed during night of August 6-7. Montcalm sends captured letter from Webb, to commandant of fort; if not relieved is to endeavour to obtain an honourable capitulation. Work on descent of swamp; battery begun on left. Work on parallel hindered by enemy fire. Enemy ask to capitulate. Fort taken over by Bourlamaque; ordered to destroy artillery and stores, and to demolish fort. Fort burnt to the ground. Terms of capitulation. Guns, etc., found in fort. Effects of expedition. Comparison of forces engaged. Webb's inaction, though strongly reinforced. pp. 259-266

Carillon,
July 27.

Montcalm to Bourlamaque. Will send order from portage camp, *re* ordnance and Royal Roussillon. Is to pay attention to de Landrieve's party, and give him such orders as may further the interest of the service. *Re* those left in hospital; boats to be sent (to Carillon); land and colonial troops, and militia; dates of rejoining corps; details of garrison of Carillon; places destined for troops; his own quarters; shoes for workmen. pp. 185-186

1758.
Versailles,
February 24.

De Moras to M. de Bourlamaque (a relative of Bourlamaque) at Paris. A.L. *Re* request for promotion of Bourlamaque to rank of brigadier. Is aware of his merits and services; but promotions in hands of de Paulmy. pp. 25-26

Versailles,
March 7.

De Paulmy to Bourlamaque, at Quebec. L.S. Has received his letters of July 12, August 13, and Oct. 25, last, *re* success of Fort George expedition, and means taken for defence of Carillon. His Majesty's expression of satisfaction. pp. 27-30

Montreal,
June 11.

Vaudreuil to Bourlamaque. L.S. Instructions. He is to take command of troops assembled at Carillon, until Montcalm's arrival. To attract enemy's attention in that quarter, so as to facilitate operations of troops sent in the direction of the Five Nations; ostensible preparations for siege of Fort Lydius; enemy to be led to believe in this expedition; establishment of a fleet on Lake St. Sacrament, for passage of large detachments. Necessity of ascertaining enemy operations by means of frequent scouting parties; discipline and order to be strictly observed; attention to works at Carillon; amount of rations to be served out. Scarcity existing in the colony; care to be exercised; is to use his discretion in regard to any necessary increase of rations. Pork very scarce; ability to keep troops at Carillon, or to send fresh ones, depends on economy in this item: English pork to be eaten first. Last year's regulations *re* brandy

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to be strictly adhered to. Instructs him to send 50 large boats to St. John's, immediately on his arrival at Carillon. Is to send on packet addressed to commandant of Fort Lydius; it contains despatch to General Abercromby.

pp. 187-194

Montcalm to Bourlamaque. D.S. He has permission to talk freely of siege and expedition, but must, in fact, act on the defensive. His first disposition must relate to the plan preparing; details *re* various units to be employed. This may be changed should he, on arriving, find enemy already at Fort George, with their boats past the portage. Will begin, as soon as possible, sending enough boats to Lake St. Sacrament to form a flotilla capable of checking enemy scouts to do our own scouting, and to transport, at any moment; parties of 800 men from the other side of the lake. Defensive imposed by enemy superiority and division of our army; importance of scouting; possibility of attacking Fort Lydius. *Re* war training of Indians, Canadians and volunteers; defensive to be chief object of any works undertaken, subject, always, to fortification of camps, communications, roads, etc. Officers must learn to dispense with peace camp comforts, not essential in short American campaigns. Scale of rations to be issued.

pp. 195-198

Belleisle to Bourlamaque. L.S. His letter of June 3, to Paulmy, received. Praises his activities. Requests news of campaign in Canada.

pp. 31-34

Belleisle to Bourlamaque. L.S. Has received his Montreal letter of June 6, *re* Lake St. Sacrament expedition. Asks for news of enemy on all possible occasions.

pp. 35-38

Belleisle to Bourlamaque. L.S. *Re* rewards to be granted by His Majesty to officers engaged in the affair of July 8, last. Will commend his courage and abilities to the King's attention.

pp. 39-42

Massiac to Bourlamaque. L.S. His letters received. Has reported action of July 8, at Fort Carillon, to the King, and called his attention to Bourlamaque's devotion to his service. His Majesty much distressed to hear of his being dangerously wounded.

pp. 43-46

Commission granted to M. de Bourlamaque as Brigadier. Signed, Louis. Countersigned, Bellisle.

pp. 3-4

Berryer to Bourlamaque. L.S. *Re* his appointment and pay as Brigadier.

pp. 47-50

Belleisle to Bourlamaque. L.S. His letter of Nov. 6, last, *re* Carillon, received. Informs him of King's decision in regard to his seniority.

pp. 51-54

Vaudreuil to Bourlamaque. L.S. Giving him command of army of observation assembled at Carillon. Troops composing same. Has instructed Intendant and de Ramezay to act with him in regard to departure of battalions, movement of naval troops, militia, etc. Will arrange for strong reinforcements when rendered necessary by movements of English. Hopes he will come by way of Montreal. If not, will send instructions to Chambly.

pp. 55-58

Vaudreuil to Bourlamaque. L.S. Instructions. Details of troops sent to Carillon, to be under his commands. Object of his mission: (1) Completion of intrenchments; (2) Supply of labour for works at Fort Carillon; (3) Continual scouting to obtain information of enemy movements, from Lydius to Lake George, so as to report

at once. Resolution to defend Carillon; delay of troops due to scarcity of supplies; units to be sent on hearing that enemy has made his portage. Plans for defence; necessity of holding entrenchments against enemy: will cause him to delay attack until sufficient reinforcements arrive to defend them. Carillon to be held as long as possible. Montcalm's orders *re* number of guns for Carillon entrenchments. Various instructions *re* field works; boats at St. John's for transport of reinforcement; discipline; encampment of artillery; review; returns to be made. Indians, and Canadian Volunteers sent to destroy English barges. Young officers and Colonial cadets to be employed on scouting parties; bark canoes sent for that purpose. pp. 199-206

Montreal,
May 10.

* sic

Montcalm to Bourlamaque. L.S. Instructions. *Re* defence of Carillon; (1) Details of encampment; scouting parties; war of Indians and Canadians. (2) Canadian troops to act with certain regular battalions. (3) Repair and strengthening of entrenchments. (4) Instructions *re* "Jacobite*" batteau, transport of gunners and field guns from St. John's. (5) *Re* Colonial officers and Canadians. (6) Attention to be given to supplies; rations as fixed by the Intendant. (7) Instructions to Commissary General, and others, *re* supply and use of wine. (8) Rules *re* batteaux to be the same as in former years; disposal of powder, stores, artillery, in the event of surrender of Carillon. (9) Care to be taken in the use of wood. He is to encamp behind the La Barbue, should he be forced by the enemy to retire, whilst awaiting reinforcements. In this case it would be needful to strengthen the garrison of Fort St. Frederic. pp. 207-214

Montreal,
May 20.

Vaudreuil to Bourlamaque. L.S. Instructions. Reports of prisoners, and news from France, point to enemy attack on Colony, from all quarters, in superior force. His Majesty expects resistance "foot by foot". Defensive to be closed up, for mutual support against a general action on the frontiers. He is to arrange to abandon Carillon, and to run no risk of his communication with Fort St. Frederic being cut by the enemy. Is to await sure news of enemy being in force on Lake St. Sacrament. Is to retire behind La Barbue river, or to throw up entrenchments. Number of men to be left at Carillon; secret instructions as to surrender; fort to be made as useless as possible to enemy. A redoubt to be constructed at the end of Carillon Rock, or elsewhere, to ensure embarkation and retreat of garrison. Further instructions *re* defence and surrender; withdrawal of war stores and provisions; is to remain at La Barbue until fate of Carillon is decided. Is to retire to Isle aux Noix after surrender of Fort St. Frederic; full instructions *re* said post. Orders to be given *re* St. John's, and Chambly. Guns to be left at Carillon. Canadians and Indians to be made use of. These instructions to be kept secret. pp. 215-226

Montreal,
May 20.

Vaudreuil to Bourlamaque. L.S. Enclosing full instructions *re* district under his command. The colony about to be attacked on all its frontiers. Names of naval officers who are to remain at Carillon, should Bourlamaque be forced to leave. pp. 59-62

Quebec,
June 1.

Vaudreuil to Bourlamaque. L.S. Has no doubt that Bourlamaque will be attacked at Carillon, by superior forces, and has some fear in regard to Lake Ontario. Supreme importance of Quebec. Can make no change in general dispositions. Better to blow up fort, and save garrison, than prolong defence for four or five days. Isle aux Noix the vital point in his district; best fitted to prevent enemy's invasion of

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interior of Government. Instructions *re* Rivière du Sud. Rigaud with 700 Canadians and Sault and Lake Indians ordered to go to St. John's and Laprairie, to support Bourlamaque, should he be forced to fall back on Carillon and Fort Frederic. Troops under his command sufficient to prevent enemy invasion of Montreal Government. He may command Rigaud's services. Supplies stored at St. John's.

pp. 63-70

Account of the retreat from Carillon and St. Frederic. Enemy assemble at Fort Lydius; set out June 20 and reach Fort George on 22nd. Deserters report intended attack on Carillon; Rigaud sends force of Indians; kept at Carillon as long as possible, in view of immediate enemy advance. Scouting party sent to Lake Sacrament, and to attack Fort George. Parties sent to mountains daily. News received of enemy approach. Indians notified of decision to await enemy at entrenchments. Particulars of preparations made. Indians refuse to go forward. Enemy advance by portage road. Report of enemy column of over 3,000 men marching on St. Frederic. Detailed reasons for his decision to retreat. Particulars of measures taken; decision to cross the river. Could have remained at Carillon 24 (hours) longer; situation of Colony makes delay too hazardous. Explanation of Indian failure to attack; due to policy of older men. Enemy begins advance from entrenchments to right and left. Particulars of enemy activities, roads made towards French entrenchments; palissades, etc. Enemy battery on left; day work hindered by guns of the fort. Lengthy Indian councils held; French advantage insisted on. D'Hébecourt abandons fort in compliance with Vaudreuil's orders; details and disorders of his retirement. Falls back on St. Frederic; reasons for its abandonment and demolition.

June 1-15.

20-22.

July.

20.

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23.

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26-27.

28.

pp. 313-324

Amherst to Bourlamaque. L.S. Reports the Sr. Cote's arrival. Has received his letter of the 10th, one from Montcalm, and copy of cartel for exchange of prisoners. In return, sends copy of one received from his Court, and of his reply to Montcalm.

pp. 93-94

Amherst to Bourlamaque. L.S. Has just received his letter of even date, with one from Montcalm; asks him to keep copy of his reply to same. *Re* return of soldier, referred to in preceding letter.

Fort Edward
Camp,
June 17.Lake George
Camp,
July 17.

pp. 95-96

Articles of Capitulation of the Fort and Garrison of Niagara.

July 25.
1759.

pp. 373-376

Account of the action of July 31 between the French and the English near de Levis' camp. Receives information at 5 a.m. of March of 400 of the enemy: of their having halted at the edge of the wood, to make fascines. Enemy ships seen approaching Montmorency Falls Channel, and great movement of barges from Island of Orleans and Point Levis. Enemy frigates take up position at half-pistol shot from Montreal brigade, so as to open cross fire on French redoubts and batteries. Heavy cannonade on both sides. Movements of barges filled with men cause anxiety for all parts of the line from Montmorency Falls to the St. Charles river. News received of 2,000 enemy marching on quays guarded by de Repentigny; 500 men from Montreal Government, and all the Indians, sent at once to his support. M. Dupras, with volunteers, ordered to follow enemy column, and to report; grenadier companies instructed to join volunteers. Joined by Montcalm; reports his dispositions, and enemy attack on de Repen-

July 31.

10 a.m.

11.30.

12.

1 p.m.

1.30

2.30.

- 3 p.m. tigny; movements of regiments, and grenadier companies; left to be supported, if attacked. Montcalm leaves to report situation to Vaudreuil. Arrival of grenadiers; how disposed of. Takes up position between two redoubts, in order to observe enemy movements. Receives news of retirement of enemy column; orders to various units in consequence. Enemy barges enter Falls Channel. Sees enemy column come down from the heights and form up on the edge of the beach below the Montmorency Falls. Notifies Montcalm, and recalls troops. Enemy begins to cross the ford of the Falls; barges make for land behind grounded frigates; artillery fire dribbled from all quarters. Enemy attack redoubt, abandoned as untenable, useless to enemy, because under fire of our hill entrenchments. Enemy column, having crossed ford, advance to redoubt on French left, but fail to attack; retire at nightfall; their loss estimated at 500 killed and wounded. High praise of Canadians. pp. 297-308
- 4.
- 5.
- 5.30.
- 6.

(Montreal),
August 8.

Rigaud to Vaudreuil. Copy. Enclosing Bourlamaque's report on Isle aux Noix. Insists that his government (Montreal) is the most vital part of the colony; no chance of saving Quebec, should Amherst invade Montreal Government; that being the sole source of supplies for Quebec. Still greater cause for fear, should six or seven thousand men from Chouaguen unite with Amherst's two thousand. Loss of Quebec less serious than that of Montreal. A force of three thousand men would probably suffice to preserve it. pp. 71-72

Montreal,
August 10.

Rigaud to (Bourlamaque). L.S. Refers to above letter; *re* vital importance of Montreal Government. Has instructed missionaries at Sault St. Louis and St. Regis to make frequent surveys of the road from Fort? (behind La Présentation) to Chateauguay. The same to La Corne, *re* La Présentation. Vaudreuil's orders to corvette captains, in the event of the capture of Niagara. Ships to be used as La Corne may deem necessary to prevent enemy's passage at Isle aux Galops. pp. 73-76

Crown Point
Camp,
August 15.

Amherst to Bourlamaque. L.S. Cannot give names of 20 French soldiers, sent from Ticonderoga to New York. Encloses his reply to Montcalm. pp. 97-98

Montreal,
August 20.

Rigaud to Bourlamaque. L.S. Has instructed de Boucherville to join Bourlamaque at Isle aux Noix, with 120 men from Quebec Government. Various details *re* forces; harvest; wish of up-country Indians to leave; promises support in case of his being attacked before de Levis' arrival. Has received the latter's instructions to proceed to Laprairie with all the force available, and to march to Isle aux Noix, in case of attack. pp. 77-80

1759.
Versailles,
August 29.

Berryer to Bourlamaque. L.S. Congratulation on restored health, which permits him to take command at Carillon. Hopes to be able to report favorably to His Majesty as to his conduct. pp. 89-92

Montreal,
September 3.

Rigaud to Bourlamaque. L.S. Will arrange with de Levis, on his arrival to send Indians to Isle aux Noix. Difficulties in connexion with harvest, and payment of men employed. *Re* letter of English officer, captured by Abenakis at St. François, to a friend, reporting surrender of Niagara, Bourlamaque's evacuation of Carillon and St. Frederic; and stating that Amherst will not attack Isle aux Noix until the return of his messengers with news of Wolfe's army. The harvest vitally necessary to the support of the colony during the winter. pp. 81-84

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Amherst to Bourlamaque. L.S. Has received Montcalm's despatch. Encloses letters addressed to various French officers. Acknowledges receipt of those addressed to his officers. pp. 99-100

Crown Point
Camp,
September 10.

Articles of Capitulation of Town of Quebec. pp. 377-380 (Sept. 18).

Rigaud to Bourlamaque. L.S. Reports news from La Corne. Capture of officer and party from (Crown) Point, with orders from Amherst to reconnoitre La Présentation; forwards copies of said orders, and officer's report to Gage at Chouaguen. News received of surrender of Quebec on the 18th; return of relief force to Jacques Cartier. Terms of capitulation. His treatment of captured English officers; Vaudreuil's orders concerning them. pp. 85-88

Montreal,
September 25.

Amherst to Bourlamaque. L.S. Is sending back Captain de Cadillac, with his reply, enclosed, to Vaudreuil's despatch. *Re* letters forwarded. pp. 101-102

Crown Point
Camp,
November 2.

Report transmitted by Bourlamaque to de Levis. Autograph document. Advantages of an attack on Quebec. Whether feasible? Subjoined account shews whether necessary measure available in present situation of Canada. Enemy aware of French movements; surprise impossible. Attack must be delayed long enough to tire enemy, and to keep him in ignorance of its date and object. Number, and details of troops required, in view of strength of the garrison of Quebec. Operation should take a month; amount of rations to be provided; transport; ladders; measurements to be taken. Trustworthy spies to be engaged; information *re* garrison, etc. to be obtained by them. Such spies might be supplied by the Jesuits. Secret of attack must be entrusted to certain confidential persons; to be apparently directed against enemy posts at Lorette and Ste. Foie, so as to draw major portion of garrison into the open, and then attack town. Should garrison remain shut up, surrounding country must be denuded of supplies and inhabitants, so as to starve garrison; their supplies insufficient to last until the arrival of their ships. Other preparations to be made. It must be given out that the force intended for this expedition consists of only five or six thousand men; real numbers must be kept strictly secret; measures to be taken to this end. Need of eight guns; uses to which they may be put. Full particulars and instruction as to method of conducting siege, so as to ensure success.

(Quebec),
December 10.

pp. 349-360

Account of events in Canada from Dec. 1 to June 1, 1760.

1759-60.
December 1-
June 1.

pp. 325-348

(Practically identical with document given on pp. 267-290, but with somewhat fuller details).

Account of the Quebec expedition under the orders of de Levis. (1760).
Draft. Lack of provisions prevents cantonment of troops round Quebec, and blockade of English garrison during winter, and hinders supplies of wood fuel and necessary supplies. Troops go into quarters at the end of November; details of their various stations, enemy positions, etc. Situation of Colony at the end of December: French forces on Champlain frontier; at St. John's, Chambly, and towards Lake Ontario; English garrisons at St. Frederic, Carillon, Forts George, Lydius; on Orange River; at Chouaguen and Niagara. Vaudreuil and de Levis decide on besieging Quebec in the spring; garrison harassed by false alarms during winter; all preparations made as for a winter campaign. Ladders made at Jacques Cartier; troops to be in readiness to march

February. at a moment's notice. De Bougainville and Bourlamaque sent to frontier to cause English governor anxiety; strenuous service and alertness of latter's troops. Vaudreuil decides to collect food and cattle from well-supplied villages below Quebec, on South Shore; ice-bridge formed between Quebec and Levis; English send out strong party; French forced to retire. Reinforced party of 700 men again obliged to retire before 3,000 English: Bourlamaque sends 150 men into villages not held by English to prevent more extended levies, and to procure provisions until the troops should be assembled before Quebec. Remainder of winter passed in various alarms of garrison, on report of attacks from the ice; sorties, etc. Making of gabions, fascines, and other siege materials begun at Point aux Trembles early in March. De Bougainville sent to Isle aux Noix at the beginning of April; enemy attack anticipated in that quarter; all quiet on other frontiers. Arrival of two King's frigates. Troops intended for expedition ordered to leave their quarters on April 20. Details. Troops delayed by ice; only reached Pointe aux Trembles April 24. De Levis receives news of enemy activities at Old Lorette. English entrenchment on Cap Rouge river; their command of main road from Pointe aux Trembles to Quebec. Learns that inhabitants of Quebec, and near Cap Rouge, had been expelled two days previously. Enemy aware of departure of French troops; plan of night landing at Sillery given up in consequence; its advantages. Enemy occupation of heights at the mouth of Cap Rouge river makes landing there impossible. Decides to land at St. Augustin, march to the left; and turn the enemy by following road passing Old Lorette and Ste Foie, and traversing almost impassable woods and swamps. Troops assembled and Canadians organized. Advanced guard formed under Bourlamaque's command, his marching orders. De Levis arrives with remainder of army; learns that enemy has abandoned Lorette church and failed to destroy a wooden causeway across a swamp between it and Ste Foie. Indians sent forward to hold head of causeway, and advanced guard ordered to support them; army advances by two bridges. Bourlamaque crosses swamp and posts advanced guard in houses half a league from enemy; army crosses swamp and takes up position in rear of wood; respective positions of opposing forces. De Levis decides to wait till night to debouch, and to attack enemy at daybreak on left flank; enemy sets fire to Ste Foie church, and retires on Quebec, leaving a force drawn up on the heights to mask his movements. March of French troops delayed by all night storm; daybreak attack on Ste Foie church, as intended, rendered impossible. Gives enemy time to save their detachments on Cap Rouge.

April 26. Enemy learns French movements; boats with guns carried away by ice; gunner taken prisoner to Quebec; English governor takes measures to avert surprise. French advance immediately on retreat of enemy; advance guard close behind them; enemy halt on heights at half league from Quebec; French occupy houses near by (details given of Canadian settlements as compared with those in France.) Enemy abandons his position during the night and falls back on the Butte à Neveu 300 yards from the walls of Quebec; seen throwing up entrenchments at daybreak; positions occupied by French; de Levis' intention to land guns, and not to attack heights till next day. Enemy sortie from Quebec at 8 a.m. against French; drawn up in front of heights occupied by them. Details of positions taken up by

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French; attacks by grenadiers and brigades on the left; particulars of actions on the right; units engaged; enemy attacked on flank and routed. Great losses of enemy in spite of his advantage of position. His purpose in forming up in front of heights occupied by him. Details of enemy's position. De Levis occupies heights abandoned by enemy; engineering preparations for breach of walls. Parallel completed and three batteries constructed. Batteries open fire; superiority of English artillery. De Levis reduces number of batteries, whilst awaiting supplies of guns and provisions from Europe; passage of French ships facilitated by his position. Two ships of the line arrive at Quebec; de Levis prepares to retire; French frigates unable to meet enemy vessels; or to protect supply transports. Orders given to withdraw batteries to the Anse au Foulon. Transports attacked by English ships of the line and two frigates; ordered to beach at the mouth of Cap Rouge river; officer in command made prisoner opposite Point aux Trembles. Fire of English ship from Quebec, anchored off Anse au Foulon, prevents embarkation of siege guns. De Levis abandons trenches, and retires, in good order, with light artillery, to Cap Rouge river. Receives news of arrival of eight or ten more ships in Quebec roads; withdraws behind Jacques Cartier river; loss of transports in northerly gale. Had no hope of taking Quebec with forces at his disposal; intended to confine garrison within walls, and prevent outside work on front attacked, until arrival of reinforcements asked from France. Non-success of attack of April 28 due to inferior artillery; lack of all relief from Europe forces de Levis to abandon his position. Return of officers killed and wounded during the siege.

April 28-29
to
May 14.
May 11.

" 19.

May 16.

May 19.

" 20.

pp. 267-290

Crémille to Bourlamaque. Acknowledges letters of April 20th and 25th and Nov. 1 of 1759. Learns that he had done his duty zealously. Regrets Montcalm's death. De Levis commended. Thanks for services of officers mentioned by Bourlamaque and de Levis.

1760.
Versailles,
February 9.

pp. 103-106

Belleisle to Bourlamaque. L.S. Has received his letters of April 25, and Nov. 1, last, reporting events at Isle aux Noix. The King greatly pleased at his conduct. Had enemy succeeded as well in the Montreal district, as at Quebec, the whole Colony would have been lost.

Versailles,
February 9.

pp. 107-110

Berryer to Bourlamaque. A.L. *Re* his services in Canada the previous year; the King's satisfaction. Expects fresh proofs of zeal in the course of the campaign to preserve a Colony dear to him. Hopes for good news of future operations.

Versailles,
February 22.

pp. 111-114

Vaudreuil to Bourlamaque. L.S. Ordering him to proceed to Jacques Cartier, to inspect fort, etc. Only to remain as long as may be needful. Discretion accorded him to give such immediate orders as circumstances may require.

Montreal,
February 23.

pp. 247-250

Vaudreuil to Bourlamaque. L.S. Instructions. Directs him to proceed to Sorel, and provide for defence of passage thereto from the river side.

July 30.

pp. 251-254

Proclamation, signed Vaudreuil, *re* surrender of arms by Canadians to English. Enemy threats no excuse; would impose hard conditions should they succeed in conquering the Colony. Reasons for offering the strongest possible resistance, and hopes of success. Troubles about to be ended by an early peace. Details of proclama-

Montreal,
August 3-4.

1760.

tion. (1) Unauthorized surrender of arms entails guilt of treason, and hanging. (2) The same penalty for desertion. (3) Houses of those who fail to join the army are to be burned; the sole punishment that can destroy the effect of enemy threats. General and other army officers ordered to publish this ordinance at the head of the troops, and in such parishes as may be needful, and to impose such penalties as circumstances shall dictate. pp. 255-258

(Montreal),
September 6.

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- (1759). Gun signals between Isle aux Noix and St. John's. In Bourlamaque's handwriting. (See, *ante*, pp. 129-132.) pp. 311-312
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Draft of a "Memorandum on Canada" written by Bourlamaque. The points discussed therein are set forth in a recapitulation at the end. "Canada is of great value to France; Canada can be placed in a condition to defend itself by making use of the first peace to fortify and provision it. Scheme of administration for Canada; Expense which the Colony will involve during the first years of peace, including the works necessary to put it in a state of defence." (Undated, but written in 1762.)

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Copy of the letter to M. Guigues, Commissioner of the King of England, relieving Bourlamaque from his parole by which he bound himself not to serve during War. pp. 481-484 London, Aug. 20.

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- Versailles, Sept. 28. Choiseul to Bourlamaque. L.S. Discussion of measures necessary in Guadeloupe. pp. 497-508
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- Undated. Remarks on the French Report concerning the limits of Acadia. (In Bourlamaque's handwriting). pp. 1-62
- (+pp. 59-60). Notes on Article 16 of the (above) Report of the King's Commissioners. (In Bourlamaque's handwriting). pp. 63-70
- (The two foregoing memoranda contain a detailed and most minute examination of the points raised by the Commissioners. The article in question deals with the chief British reason for wishing to possess the St. John River and Nova Scotia; namely, their intention to conquer Canada.)
- Undated. Extract of Montcalm's report on the defence of Quebec. (In Bourlamaque's handwriting). Unwisdom of a British attack on Quebec. City unable to withstand a long siege. Walls of upper town no protection against burning of lower. Lack of men to carry out large works. Various details. North side most favourable to enemy; can land between Cap Tourmente and the St. Charles. Well known emplacement at the cape named. How enemy must land between Cap Tourmente and Montmorency Falls. No natural defence between St. Joachim and Ste. Anne river. Open country, unfavourable to Canadians, from Rivière du Chien to Castle church. Defences there, and at l'Ange Gardien. Insurmountable obstacles at Montmorency Falls river; consequences to the enemy. pp. 117-120
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APPENDIX D
MISCELLANEOUS

ORIGINALS

FRENCH MISCELLANEOUS

Letters of pardon and absolution of Jean François de la Rocque de Roberval, lieutenant and captain general of the King to Raoul d'Auxillon, sieur de Sauveterre, one of his captains, who, on Christmas Day, 1541, in the harbour of Lanvenec, in the course of a riot on board his ship *Anne*, had killed, with his dagger, Laurent Barbot, a sailor, who had rushed on him with a poniard in his hand. (Photographic copy from Bibliothèque Nationale, Département des Manuscrits. Pièces originales. Dossier 2911. Ausillon No. 5.—So far, the earliest document found signed in Canada, at Francis Roy on the St. Lawrence.)

1542
Francis Roy
September 9.

Concession by governor d'Argenson of a town lot in the lower-town of Quebec to Pierre Lepetit on condition of paying to the Company of New France two sols of cens a year and building within a year.

1658
Quebec
August 1.

Receipt from Jean Talon for a sum of 200 livres, being the first quarter of an increase of 800 livres a year granted to him.

1661
March 22.

Concession by Jean de Lauzon to Mgr. de Laval of a tract of land in the seigniory of Lauzon, in *franc alleu roturier* on condition of a barrel of eels every twenty years.

1665
Paris
January 5.

Power of attorney Anne de la Grange on behalf of herself and her husband, Count de Frontenac, and by Marie de la Grange and her husband, Jean Jacques Charron for the purpose of appointing arbitrators.

1673
February 28.

Order of Chartier de Lotbinière, civil and criminal judge, for the arrest of Rosinadecq, called La Chesnaye Courtebottes, militia defaulter.

1681
Quebec
October 9.

Assignment by Michel Le Neuf de la Vallière, seignior of Beaubassin, to Pierre Morin, Guyon Chiasson, Michel Poirier, Roger Kessy, Claude Dugas, Germain et Guillaume Bourgeois, Germain Gison, Jean Aubin Migneaux, Jacques Belou and Thomas Cormier for having refused to accept contracts for concessions.

1682
Acadia
March 20.

Bégon to Lenglumé, secretary to De Meules. Has an exclusive contract for sale of powder in Canada. Price 60 livres. The Company will take 12,000 pounds. To pay 1,000 écus to M. Bachot, from the proceeds of the sales. Before signing contract, wants his opinion on it. To test powder with M. Bachot.

1683
Paris
May 11.

Lagarde to ———. Sends memorials of officers going to Canada, and with La Salle. The King has provided 15,000 livres for defence of Canada, out of which munitions and hired laborers are to be paid.

1684
Paris
April 22.

Grant by Denonville and Champigny to Michel Guyon de Rouvray of a lot at Cape Diamond on condition of building a wall and road and paying two sols yearly rent.

1689
Quebec
April 13.

Agreement between Nicolas Perrot and Louis Chambalon. The latter will go with Perrot to the Ottawa Country and act as his clerk, next autumn. He will be allowed to trade a few articles and will receive 1,000 livres a year in beaver or bills. Notarial deed between Perrot and Chambalon, ratifying the above agree-

Quebec
October 2.
1690
March 13.

ment. Chambalon will bring more articles to trade with. He will be Perrot's representative in all business, and in case of death will administer his estate in the upper country.

Inventory of various goods made and signed by Guillaume Couture, seigniorial judge of Lauzon.

Memoir of Dutast, garde-marine, on the fleet going to Canada. Recommends putting soldiers on every ship; all merchant ships to carry powder, and not to desert the convoy in order to get to Quebec first; the King's ships to cruise in the gulf; and in September to attack the British fishing boats; the King's ships not to leave Quebec after the middle of October.

Opinion of the Royal Attorney Dupuy, given at Quebec, to the effect that the body of a soldier, named St. Germain, who committed suicide, be drawn, face downwards, through the streets and thrown on the waste heap, and his property confiscated.

Power of attorney by the chapter of Quebec to Jacques Charles de Brisacier, Louis Tiberge and Jean Henri Tremblay; with deliberations by the chapter in connection with their opposition to the bull of September 1704 relating to the reduction in number of the canons and alienation of part of their income, which bull is detrimental to the church of Quebec and the liberties of the Gallican church.

Articles of association between Jean Baptiste Le Gautier de la Vérendrye, Nicolas Sarazin and Gamelin Chateaufvieux, for three years, for the Indian trade. La Vérendrye will secure a permit for one canoe. Chateaufvieux will pay 100 livres for a second canoe, and Sarazin, being a smith, will work at his trade for three years. Profits to be divided one-half to La Vérendrye and the other half to the society.

Taking possession of the bishopric of Quebec by Canon Thierry Hazeur for Mgr. de Lauberivière.

Brevet of King's Naval Constructor in Canada for Le Vasseur. (Photographic copy).

Jacques Charly to Porlier. Asking him to secure from Boisseau a copy of discharge of his trusteeship.

Receipt of Pierre Hazeur de l'Orme, canon of Quebec cathedral. for the sum of 43 livres, 6 sols, 6 deniers.

Convention for the campaign of 1747 (between England, Austria, Sardinia and Holland). (Contemporary copy.)

Brevet of Chief of Naval Constructions in Canada for Le Vasseur. (Photographic copy.)

Brevet of Inspector of Woods and Forests in Canada for Le Vasseur. (Photographic copy.)

Machault to the Chevalier de Vaudreuil. While sailing to Cayenne, must avoid any surprise from foreign ships.

Maréchal de Noailles to the Chevalier de Vaudreuil. Mentions favours for members of the family and the red ribbon of Saint Louis for the governor of Canada.

Vaudreuil to Bougainville. Must make use of Indians under Outelas for scouting at Ile-aux-Noix.

Abbé Beliardy to M.M. Grand et Labhaires. Has seen the Duke of Choiseul about the bills of exchange from Canada.

1693
Quebec
August 17.
1694
April.

1696
Quebec
August 19.

1711
Quebec
October 16.

1731
Montreal
April 28.

1740
Quebec
June 20.

1743
Versailles
April 1.

1744
Quebec
February 21.

1747
Paris
February 10.

1747

1749
Versailles
May 1.

1752
Versailles
May 15.

1755
Versailles
September 12.

1756
Paris
December 23.

1760
Montreal
June 18.

1764
Versailles
June 4.

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Papers of M. de la Rochette, French commissioner in England for the repatriation of Acadian and Canadian families, made prisoners during the Seven Years' War. Two bulky volumes of miscellaneous notes and extracts bearing on ancient and modern history, geography, political science and various matters. The following items relate to Canadian history:—

List of Acadian families put on board *La Fauvette* commanded by Jouran at Falmouth, 26 May 1763.

List of Neutral French delivered the 25 day of May to Monsr. de la Rochette by Robert Crongey, Agent (Penryn).

List of the names of the Inhabitants of Louisbourg and Island of St. John who are related to the Neutrals and permitted to follow them from thence to Southampton.

List of war prisoners arrived from Bristol to Southampton and put on board the frigate *La Dorothee*, 26 May 1763.

Continuation of list of Acadians made on board the *Ambition*, 17 May 1763.

List of Acadians taken on board the royal sloop of war *Ambition*, at Southampton, Capt. Bruneau de la Salle, 16 May 1763.

List of prisoners arrived from the prison at Bristol put on board the sloop of war *Ambition*, Capt. Bruneau de la Salle, 16 May 1763.

List of Acadian families kept at Liverpool and put on board the transport ship, *Esturgeon*, commanded by Louis Belou, 7 June 1763.

Memoir of expenditure deemed necessary to settle the Acadians in France, supposing it is desired to accord them the same treatment as they would receive if they remain in England.

Letters of Captains Belou, Jourand, Lavenant announcing their arrival in England to transport the Acadians, 1763.

Liverpool. A List of the Names and Ages of the Neutral French delivered to the Sieur De la Rochette and embarked on *Le Sturgeon*, commanded by Capt. Belou, by Geo. Langton, Agent for Prisoners of War, at said Port, 2 June 1763.

L. Naud to La Mennais. Praises La Mennais for his work and protests against episcopal power in Canada. Eulogizes Papineau. Himself has been driven from his parish by soldiers blessed by Mgr. Lartigue.

Sterry Hunt to Abbé Moigno. Deals with scientific questions.

Sartine to M. de la Touche. Personal letter in which he mentions Comte de Vaudreuil.

Brevet of a pension of 800 livres for Le Vasseur, former Commissary of Marine. (Photographic copy).

Comte de Vaudreuil to his cousin, announcing the granting of his pension and the rank of squadron commander for his brother.

Maréchal de Ségur to Comte de Vaudreuil, concerning a place for his son at the School of Artillery.

1764 (?)

1842
Saint Jean-
Baptiste de
Rouville
December 27.

1863
Montreal
August 27.

1778
Mary
October 21.

1779
July 1.

1779
Versailles
September 13.

1786
Versailles
August 4.

CROMWELL PAPERS

Oliver P.

Our will and pleasure is, That you deliver or cause to be delivered unto our trustie and welbeloved, Colonel Thomas Temple, immediately upon his arrivall in Acadia commonly called Nova Scotia, in the parts of America, peaceable and full possession of our Forts there

1656
Whitehall
September 18.

called the Forts of St. John and Pentacoet; and all the Magazines, Powder, vessells, Amunicōn, and other things whatsoever to them, or either of them belonging; Wee having comitted unto him the said Colonel Temple the charge and government of the said Forts and premisses. And hereof you are not to fail. Given at Whitehall the eighteenth day of September 1656.

To Captain John Leveret Governor in Chief of our Forts of St. John, Port royal, and Pentacoet in Acadia comonly called Nova Scotia in America, or to his Lieutenant, and other the Officers there or any of them.

BODLEIAN LIBRARY. RAWLINSON MSS. A. 16 AND 18.

1654
Boston
July 4.

Capt. John Leverett to Cromwell. Gives an account of his raising men in the several colonies for service against the Dutch colony, when the conclusion of peace between England and Holland stopped all preparations. Major Robert Sedgwick has set sail to-day with the *Augustine*, the *Church*, the *Hope* and a small ketch for the French coast. (Photostat copy).

1654
Boston
September 8.

Captain John Leverett to Cromwell. Expedition against the Dutch on the Hudson brought to an end by the conclusion of peace. Major Sedgwick, who set out on July 4th to attack the French coast of Acadia, reached on the 14th Fort St. John's, which surrendered on the 17th, with 70 men and 18 pieces of ordnance, under Mr. Latour. About the 31 July, he sailed to Port Royal, which had a garrison of 150 men, only 20 less than Sedgwick's party. They laid an ambush of about 40 men, between the landing and the fort. There was an exchange of fire with the landing party and a hand-to-hand fight. The French retreated to the fort, which surrendered. It contained 18 pieces of ordnance and some small stock fowlers and bases with a good quantity of ammunition. Leaving an English garrison, as he did at St. John's, Sedgwick sailed to Penobscot, taken from the English, eighteen years before, now a strong post, which was delivered up on Sept. 2. There were there eight pieces of ordnance and three smaller pieces with ammunition. There is to be a solemn service of thanksgiving on the 20 Sept. for this success. (Photostat copy).

PUBLIC RECORD OFFICE. E. 403.

Vols. 2523, 2815, 2816, 1756.

1655-1656

Entries of various payments to Major Robert Sedgwick of £1,793-7s-8d in full satisfaction of the money remaining due to him on the balance of his accounts, when employed in public service against the French.

Vols. 2817, 1757.

1656-1658

Entries of various payments to Major Robert Sedgwick of £4,482-3s-11½d on his account of receipts and disbursements relating to the capture of French forts, including his own salary for 760 days at 15s. a day.

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PAPERS RELATING TO J. F. W. DESBARRES

Photostat copies of documents relating to his survey of the North American Coast and his administration of Cape Breton.

PUBLIC RECORD OFFICE

Minute Book. 1st March 1773 to 31st January 1775.

Adm. Sec. Minutes. Ad. 3/80:

Resolution of Lords of Admiralty *re* Memorial of Mr. DesBarres, suggesting bringing before Parliament the question of publishing his charts. 1774
May 25.

Adm. Sec. Out Letters. Lords Letters. 1 Feb. 1776 to Nov. 1776.

Adm. 2/244:

Lords of Admiralty to Navy Board. Ordering payment to DesBarres of an allowance of twenty shillings a day. 1776
Sept. 13.

Adm. Sec. Out Letters. Lords Letter Book. 21 Nov. 1776 to 31

Jan. 1777. Adm. 2/245:

Lords of Adm. to Navy Board. Ordering to pay DesBarres £264-6s for 36 sets of charts of Nova Scotia & 36 sets of charts of New England, and binding. 1777
Mar. 17.

American. Sept. 1778. Aug. 1797. Treasury 28/2: Warrant for payment of J. F. W. DesBarres for expenses for engraving of surveys. 1779
August 4.

Treasury Board Registered Papers. 1794, No. 1673 to 1880. No. 6. T. 1/732:

J. F. W. DesBarres to Lords Comrs. of Treasury.

1794
Jan. 28.

Account of J. F. W. DesBarres' Disbursements, in carrying on Surveys of the Coasts & Harbors in N. America & in constructing & publishing Charts for the Public Service, from 1764 to 1784. Jan. 28.

Explanation of above Accounts of Disbursements.

Jan. 28.

P.C. 1/57:

Lords Comrs. of Admiralty to the King.

1781. July 12.

Memorial of J. F. W. DesBarres to the King in Council.

(? 1782)

J. F. W. DesBarres to Lords of Privy Council, with a Comparative State of Sums claimed by Memorialist, & Mr. Holland. (? 1782)

Memorial of J. F. W. DesBarres to the King in Council, with an Account of Contingent Disbursements, 1764-73. (? 1782)

Report of Lords Comrs. of Admiralty to H.M. Privy Council, upon Memorial of J. F. W. DesBarres. 1782. Oct. 21.

Report of Lords of Privy Council upon DesBarres' Disbursements. 1783. Nov. 25.

Order approving above Report.

1783. Nov. 28.

A Statement of the Services of Major J. F. W. DesBarres, by Prevost. 1784. May 1.

Plantations General. Bundle W. C.O. 323 Vol. 29:

Memorial of Joseph F. W. DesBarres to the Lords Comrs. of Trade & Plantations. 1776. May 16.

John Robinson to Richard Cumberland.

1777. Jan. 15.

J. F. W. DesBarres to Richard Cumberland.

Rec'd. 1778.

J. F. W. DesBarres to Richard Cumberland.

1779. Feb. 9.

List of 26 Plates of Charts, etc., to be ready in 4 or 5 months.

1779. Feb. 9.

Memorial of J. F. W. DesBarres to the Lords Commissioners of Trade & Plantations. Rec'd. 1780.

- (1780). List of Titles of Charts with number of Plates each Chart consists of.
- 1784-1801 Cape Breton Governor's Accounts, &c. A.O.3/142: Statement of Lieut. Govr. DesBarres. Narrative of the Motives of Lieut. Govr. Desbarres' appointment to Cape Breton, and of the Circumstances of the Expenditures for the public service there with Remarks.
1777. *Plantations General*. 1766 to 1780.—N.—C.O. 324 Vol. 18: Estimate of the Expense attending General Surveys of H.M. Dominions in N. America for the year 1777. Extract.
1777. Feb. 3. Richd. Cumberland to John Robinson.
1777. Feb. 3. Observations on the Estimates. Extract.
1778. Feb. 18. Estimates of the Expense attending General Surveys of H.M. Dominions in N. America for 1778.
1778. Feb. 18. Observations on the Estimates. Extract.
1779. Feb. 19. Estimate of the Expense attending General Surveys of H.M. Dominions in N. America for 1779.
1779. Feb. 28. Observations on the Estimates. Extract.
1780. Feb. 28. Estimate of the Expense attending General Surveys of H.M. Dominions in N. America for 1780.
1780. Feb. 28. Observations on the Estimates, 1780. Extracts.
- House of Commons Journals*. Vol. XXXV:
1775. Estimates of the expense of engraving charts of Nova Scotia surveyed by J. F. W. DesBarres.
- Mar. 6 & 7.

BRITISH MUSEUM

Additional MSS, 32880, 37845, 37885, 37886, 37890.

1793
London
Feb. 15.

DesBarres to Dundas. Gratitude for his answer of the 26 Sept. 1791 to his letter of 17 Sept. asking for a trial of his case. Hopes there is no more obstacle in the way to a decision. There was in Nova Scotia a party of officers and traders opposed to the settlement of Cape Breton from fear of curtailment of their importance or profits. They did everything to ruin the enterprise. Six of the civil and military officers entered into a combination to oppose all undertakings and made allegations to the Colonial Office against him. He asks for copies of these and to be tried upon the following: 1. Remonstrance and petition of A. Cuyler, David Matthews, I. Hurd, B. Lovel, Thos. Uncle, Wm. Smith, Jonathan Tremaine, Thos. White, Jones, John Storey, Alex. Gordon, addressed to Lord Sydney. 2. Representations of John Drummond urged by M. M. Champion and Dicason, London merchants. 3. Complaints of James Kavanagh, transmitted by Rashleigh & Co. who wanted to maintain a monopoly of the trade with Nova Scotia. 4. Complaints of Samuel Sparrow, through Harrison & Co. Sparrow was a trader, who having sold articles to the government, seized DesBarres' property for payment. 5. Complaints of Thomas Hurd. 6. Charges having levied troops without the consent of Parliament and of having fitted out an expedition against a friendly nation. From Lord Sydney's correspondence with him, the case cannot be fully understood, as he contented himself with reporting to him the actual state of things, denying all complaints generally, and many letters remained unanswered or, after long delay, but partially answered. He was told that his letters and

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the explanations of the Chief Justice, whom he sent to England, were insufficient to remove allegations against him, but how could it be otherwise, when such allegations were never communicated to him. The correspondence shows a complete lack of knowledge, so the only way out is a public and impartial trial. It is of no use to say that the incriminating papers are not in the office. That would be strange and also suspicious. But he can furnish a copy of the Remonstrance and Petition No. 1. He could also prepare a summary of all the facts with the complaints, and have it printed. And he is ready to stand by the judgment of any competent persons on the matter. He is ready to risk anything for a trial at any rate. The pretence of Lord Sydney for withdrawing it—that he did not know whether the government was authorized to recall or remove him—cannot deprive him of his right to a trial. Besides one cannot be removed without being proved guilty, which guilt can only result from hearing both sides. During the war, he received praises from Townshend, Amherst, etc. In Newfoundland, he contributed to the army's success. He made a survey of the principal harbours there, and also of the harbour of Halifax, and it was proposed to him to survey the coast of Nova Scotia. Thus he was led to compose and publish the *Atlantic Neptune*, after twenty years of hard work, losing in the meantime his opportunity of preferment. He has not even been paid all his expenses. Still this book is one of the most useful works of the kind and has been very useful to the navy and commerce. At the time, the Board of Trade was in a tottering situation, so he had to rely on his own and friends' resources to finish his book. He did not secure the military preferment he was entitled to, but only recommendation for some mark of the Royal favour for his services. Accordingly the following year, he was appointed to Cape Breton. Such being the case, how could Lord Sydney destroy his character without a trial? He cannot submit to that. Is it not the duty of government to protect faithful servants? Had the minister fulfilled his promises of help and considered the difficulties of the situation, the officer, who was charged with creating the settlement and who accounted for everything, should have been treated with liberality, not with distrust. His difficulties were inconceivable: three vessels, loaded with provisions, were successively seized. Still the infant colony succeeded in exporting £40,000 in one year. It could have become a source of supplies for our West Indian Islands and secured us the chief part of the carrying trade of North America. The government not only did not communicate to him the complaints, but even restored officers he had suspended. Then government money ceased to be issued to his agent. This brought an inundation of protested bills, which he tried to settle from his personal resources. In October 1787, he left for England and his property has since been plundered. When leaving, two trunks of papers were stolen. He had to pay £200 for the old vessel which brought him to Jersey. Hearing that a watch was kept to seize him on account of the protested bills, he asked Lord Sydney for a safe conveyance to London, but without result. He succeeded in gaining London secretly in April 1788 and reached a sanctuary in the vicinity of Whitehall. He presented himself to the Colonial Office, demanding a speedy trial, but was told he was still the lieutenant-governor of Cape Breton and that justice would be done to him. He had not a guinea to himself, and was constantly

1793

visited by the holders of the protested bills. Then stopping all payments, the Secretary of State had recommended paying £7,000, but both the Colonial Office and the Treasury Board did nothing about it. He then heard through his friends of the accusations and calumnies circulated. He was petrified with astonishment and urged the Colonial Office to give a speedy trial. Communications followed for ten months. The Secretary of State relegated him to the Under Secretaries and then always prevented any progress. They tried to deter him from a trial, on account of the uncertainties of the complaints, arguing that he was not supposed to incur expense in Cape Breton, nor spend money for barracks or the relief of the people and the best thing was to have his accounts passed. But he still insisted on a trial. The pretence that no expense was to be incurred is astonishing: Cape Breton was to be reserved for the Loyalists. Haldimand was asked to send Loyalists there at the public expense and the Secretary told DesBarres to accommodate them with provisions and articles of bounty. The Secretary of State forgot that barracks were to be built. The measure was imposed on him. Besides it was a necessity. The expenditure of which he gives the details, incurred for the Loyalists, the barracks, wages, etc., amounted to £22,366. This is less than in the original plan. Had he known it was not to be executed, he could have realized some saving. But they had to live in continual suspense and to buy what supplies they could at any terms. The barracks were built very cheaply and the government has already saved more than their cost. He has seen a paper intitled "Remonstrance and Petition of the Principal Inhabitants of Cape Breton," which was exhibited by Mr. Hurd, who was suspended for misconduct from his office of surveyor in Cape Breton. He asked the Colonial Office for an official copy, but could not get it, nor copies of the Secretary of State's report, or of any complaint. Always some pretext being used for a refusal. Though a public servant may be removed as an executive measure, this does not extend to refusing a trial before punishment. As one of the Under Secretaries swore one day that he would ruin him, perhaps here is to be found the explanation of his difficulties. The complaints are linked with the accounts, since the former were examined in connection with the latter. And the Lords of the Admiralty could not proceed upon the accounts without first ascertaining the facts by a trial. If the reports to the Treasury had not included part of the complaints, the accounts could have been dealt with without reflecting on his conduct. The accounts could have been rejected, and he would have been a great loser, but then he would not have been considered a criminal but a meritorious man, having founded a colony. After ten months, the Secretary of State decided to refer the case to the Lords Commissioners of the Treasury, on 21 February 1789. This measure, without a previous trial, could bring no result as he was officially prejudged and could not expect any attention. It simply meant hanging up the case and so it proved to be. He was refused all copies of reports and nothing was done. But the importunity of Mr. John Drummond, one of the complainants, succeeded in bringing about an examination of his claims and complaints by the Comptrollers of the Army Accounts and they were not found to be what they were represented. Some of the holders of the protested bills began to agitate in order to find whether anything was done to him. Fearing longer

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postponement, the government at the end of 1789 issued £10,000 for payment of the bills, but only £7,171 went to pay the original, the rest being absorbed by interests and expenses. An arbitration decided the claims of Mr. Sparrow to be unfounded and his own conduct in the administration of Cape Breton, to be conducive to his honor, and suggested a more complete enquiry. At the request of the Secretary of State who said part of the original and duplicate vouchers had been lost, he presented the triplicates he had retained. One of the secretaries of the Treasury, Mr. Steele, compared them with the accounts and declared himself satisfied. But later they were missed from the office and he had to obtain an official acknowledgment before the Court of Exchequer for the lost vouchers. Then followed a long official silence, during which some of the complainants were privately examined and reports by Col. Macarmick laid before the Board. Out of this investigation a great number of queries of all kinds were submitted to him. It would have taken months to answer them. Evidently there was an intent to prolong the proceedings or raise some reason to postpone the public trial asked for. Therefore unwilling to submit any longer to a secret proceeding before the Board, he wrote to them, protesting against its proceeding with the case, before a trial was duly granted to him. Without answering, the Board addressed further queries, which relating solely to the accounts, were answered by him. He only wants justice. He was anxious to serve his country and deserve commendation. He had so far succeeded well enough, and now he has been stripped of everything. He asks to be reimbursed the residue of his expenses in publishing the *Atlantic Neptune*; that the preferment lost in the army may be made up in the course of time; that the government of Cape Breton be restored to him; that his losses may be paid to him; that he may be tried upon all complaints and accusations.

Memorial of Lieutenant Governor DesBarres to the Lords Com-
missioners of the Treasury. The memorialist represents that, in 1755, he had sufficient property. In 1756 he went to Pennsylvania and Maryland, where he raised 327 recruits. In 1757 he commanded a party of volunteers against the Indians of Canada, and secured their friendship. In 1758 at Louisbourg, he attacked with success an entrenchment and battery. His conduct was mentioned to the King by General Wolfe, and he was, as a result continued an engineer in the expedition against Quebec in 1759. He made a survey of the town and the harbour, after the capitulation. In 1760, he was detached with 500 men to establish a post at Cap Rouge. After the defeat of General Murray, the Commanding Engineer, Col. Mackellar being wounded, his services were useful in the defence of Quebec. After the conquest, he was sent to Halifax to make plans and estimates for fortifying the dockyards at Halifax. In 1762, he took part in the expedition for the retaking of St. Johns in Newfoundland, serving as Engineer and Quarter-Master-General. After the peace, promises of promotion induced him to accept the surveying of the coasts and harbours. After ten years' work, the king was pleased to order the publication of his survey. During the American war he was employed by the Board of Trade to adapt various surveys to nautical purposes. After twenty years' services, he claimed promotion and reimbursement of expenses. In 1784 the Admiralty Board paid for the work done under its direction, but the rest remained unsettled. This put

1793

him in the apparent situation of not having served his country, but he kept hoping that the nation would not desire to benefit by his personal loss. He drew attention to the resources and advantages of Cape Breton. In 1784, to assist Loyalists, the government decided to colonize this island and he was appointed Lieutenant-Governor and Commander-in-Chief of the troops. He was promised every requisite and support and instructed to invite settlers. The government was in the habit of supplying the Loyalists and Soldier settlers with provisions. In the absence of expected support, he carried on the work, reporting that the emigrants were helped and the colony established with such results that in one year the colony exported to the value of £40,000. Then on the ground of pretended complaints, he was recalled home but without being communicated the particulars of them. His credit was stopped, the bills negotiated for the service came back on him, his property was seized and he was left in complete distress. On his return to England, he was promised justice. On his claiming an investigation, he was charged with having spent lavishly large sums of money. On his refuting these charges, he was led into an explanation of his administration, which brought about an inquiry, which suddenly stopped, and only the matter of his accounts was resumed. Incidentally, he came to the knowledge of other imputations, and as such had been the cause of his recall, he claimed right to a trial, which was promised, but not conceded. Considering the success of the new establishment, he was entitled to a liberal view of his conduct. As to his accounts, he explained their necessity, reported the current expenditure and proposed a plan to be followed till he received instructions. The bills were drawn, the agent paid and advised to continue the same course. Still later his credit was stopped without explanations. The bills should have been examined regularly and, if found defective, observations transmitted, according to practice, but he was hastily condemned. He was given no justice, and the Commissioners for auditing the public accounts were misled by misinformations and they reported a list of disallowances. But his observations are before the minister. As to the two items, one of £268 is claimed by a Mr. Andrews, which the memorialist has nothing to do with; and the other represents bills paid by Sir Herbert Mackworth & Co. The Commissioners make the mistake of including a sum which should be deducted. But it is only when proper attention is afforded that he can explain the whole case. Divested of his property, wounded in his feelings, he prays that copies of complaints be supplied him and opportunity be given of vindicating his honor, also that he should be compensated for his past work and services. Detailed Account of what the government owes to Lieut. Gov. DesBarres, 1784-89.

1795
London
October 29.

DesBarres to Windham. Sending two memoranda; one respecting his claims, on which he asks him to secure a decision; the other relating his injuries.

London
October 30.
London
December 31.

DesBarres to Windham. Sending some papers.

Windham to DesBarres. Relating to a letter of Mr. Miles. Will not give it any consideration. He is not connected with the paper in question. Wants no more communication on the matter.

1796
London
March 2.

DesBarres to Windham. Has received his letter of yesterday. His interposition in his case should remove obstacles. On his advice

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will write an abstract of his transactions. He received no letter from ¹⁷⁹⁶ Lord Sydney or the Treasury limiting expenses for stationery or a private secretary. The first notice to him came from the Auditors in their report of 1793. P.S. Lord Sydney's declaration was in a report to the Treasury. The expenses had then been incurred and paid by himself before he knew of the report.

Printed summary of DesBarres' claims with table of money ¹⁷⁹⁶ received and disbursed by him.

T. Steele to the Duke of Portland. At his request and that of ¹⁸⁰¹ the Board of Treasury, has examined the memorial of DesBarres. In ^{London} 1763, DesBarres was appointed to survey the coasts of Nova Scotia by the Board of Admiralty. He was to receive 20 shillings per day and an allowance for instruments and stationery. In 1769, he presented a demand for contingent expenses amounting to £623. The Board allowed him only £132, charged for purchase of instruments and ten guineas per annum for instruments and stationery. In 1770, he asked for a larger allowance as well as for allowance for house rent, etc., without success. In 1779, five years after his return to England, he presented a bill for contingent expenses not authorized, which was rejected. In 1781, he presented a memorial to the king, claiming £4,214 and the Board of Admiralty recommended payment of only £1,200. The report was referred again to the Board, and a change having taken place in the administration, the new Board recommended payment of the whole less £300. This payment in 1782 was so ample as to dispose of any complaint that he was insufficiently paid for that service. In 1774, DesBarres returned to England and it was understood with the Admiralty that he was to publish his book at his own expense and profit, but the Board later on agreed to allow him 35 guineas per plate. Consequently a sum of £3,711 was granted by Parliament and issued to DesBarres. The allowance of 20 shillings per day was paid to him from 1763 to August 1779. In 1777, the Board of Trade made an agreement with DesBarres to adapt to nautical use certain surveys at the rate of 35 guineas per plate, with 20 shillings per day. The work ended in 1780. There was no complaint of DesBarres at any time. He received payment for 247 plates. He was paid by the Admiralty 20 shillings per day from 1763 to 1779, and received the same from the Board of Trade, so that he was in the receipt of 40 shillings per day for nearly three years. The Admiralty actually paid for the copies they were furnished with. The plates were left to DesBarres. On that point DesBarres has no claim whatever against the public. In 1784, on the recommendation of General Conway, DesBarres was appointed Lieutenant-Governor of Cape Breton. His settling there with his family must have meant considerable expenditure. The difficulties met with were so great that allowance ought to have been made for the irregularities in the accounts and errors of judgment. At the outset he tried to form an estimate of the probable expenditure and sent it home. He drew cheques which were at first paid, but as the amounts appeared likely to exceed expectation and accounts were not made in the regular way, the Board of Treasury refused to pay the bills. The colony was soon reduced to distress and divided into factions. The Secretary of State, on the information of Cape Breton people, suspected DesBarres of errors of judgment and, dissatisfied with the state accounts, directed

1801

him to return to England and await instructions. On the arrival of Lieut.-Col. Macarmick to act during his absence, DesBarres sailed for England. The bills drawn and unpaid accumulated to so large an amount that the holders seized DesBarres' property. On his arrival in England, he was in fear that his person would also be seized. In September 1786, Lord Sydney recommended payment of several sums upon account, but the Treasury did not think proper to issue any money till convinced of the propriety of the expenditure. In February 1789, Lord Sydney recommended payment of great part of DesBarres' demands. DesBarres reached London in the spring of 1788, and pressed at once for an inquiry, but nothing was done in 1788 and during the greater part of 1789. The writer, at that time secretary to the Treasury, suggested paying a certain sum on account and made an examination of the accounts. On his report, the Board paid £10,000 which discharged £7,171 of the principal debt, the remainder being applied to interest and expenses. DesBarres continued from month to month and from year to year to press for a final settlement and inquiry, but it was only in October 1791 that the Commissioners for auditing the public accounts were directed to proceed with the case. But owing to the loss in the department of many of the vouchers, the report was only made in February 1793. It admitted that a balance of £2,213 was due to DesBarres, but disallowed various sums amounting to £3,549. DesBarres remonstrated with the Board, which allowed another sum of £1,500, making a total of £3,700 due to him. He has explained the report and DesBarres' explanations. The auditors and the Board could not, limited by their constitutions, accept the accounts disallowed. But the writer having to state his opinion as to the equity of DesBarres' claims, thinks he should be allowed the whole sum that was disallowed, except for a sum of £33 and some other trifling accounts. Consequently he should be allowed about £2,000, although there are no proper vouchers. Reviewing the whole case, here is his judgment: DesBarres is not entitled to the £1,207, claimed for his first period of service, nor to the payment demanded for advances, while engraving the *Atlantic Neptune*; but there should be repaid with interest, a sum of £302-11-10 paid for fees. As Lieutenant-Governor of Cape Breton, he should be allowed the above sum of £2,000 without interest, but is entitled to 5% interest on the £3,700 admitted from 1787 to date. As since this return, a long period elapsed before his accounts were examined and he was in almost daily attendance at the government offices, he should be allowed a sum equal to half his salary from his last payment to the end of 1793.

London
July 4.

DesBarres to Duke of Portland. Regretting that Mr. Steele's award has not been accepted, but rejoicing that he has vindicated his conduct. He was appointed Lieutenant-Governor as a reward for services and re-called to answer charges not founded on truth. He should be reinstated and compensated.

London
September 21.

DesBarres to Windham. Soliciting his recommendation for obtaining a post. Mr. Steele has misunderstood his case. Asks for payment of the part of his claims which has been admitted.

1806
London
September 23.
Prince Edward
Island
December 17.

DesBarres to Windham. Asking him to press the payment of what appears payable in his claims.

DesBarres to Windham. Transmitting a memorial.

SESSIONAL PAPER No. 23

DesBarres to Windham. Expressing his gratitude and refunding money lent. Is not forgetting Mr. Adams' professional services. With slender salary, has to provide at his own cost a house with council chambers. Public entertainments exceed his means. Hopes some provision may be made to assist him.

1807
Prince Edward
Island
March 5.

DESBARRES-ASHFIELD PAPERS

A collection of commissions, letters and papers, extending from 1784 to 1826, relating to J. F. W. DesBarres, Lieutenant-Governor of the Island of Cape Breton, 1784-1787, and Thomas Ashfield, who was his private secretary, as well as solicitor and notary public, clerk of various courts and commissioner for small debts. The following is a list of the most important papers:

Letter of Perry to Ashfield, dated 13 January 1785.

Pay List and receipt of T. Ashfield dated 30 June 1785.

Copy of the Hon. the Chief Justice's Patent to be entered on the Minutes of 17 Aug. 1785.

License to T. Ashfield to act as Attorney at Law dated 8 Sept. 1785.

Minutes of a Council Meeting held at Sydney, 3 Oct. 1785 and extracts of letters from Capt. Venture to Lieut.-Govr. DesBarres.

Draft of Bill of Sale, dated 14 Nov. 1785.

Copy of the Ordinances relative to the holding of the Quarter Sessions of the Peace, etc., dated 19 Nov. 1785.

Memorandum to Ashfield concerning the paying of the Miners, dated 11 Jan. 1786.

Copy of the Conviction and affirmation of Quarter Sessions. Col. Yorke, dated 22 Mar. 1786.

Warrant to T. Ashfield to hold the Seal of the Supreme Court, dated 7 June 1786.

List of persons who have subscribed the declaration specified in the grants, dated Sydney, 29 Aug. 1786.

Receipt for Grants, dated Sydney, 1 Dec. 1786.

Extract of the Chief Justice's message to Lord Sydney respecting T. Ashfield, dated 23 Feb. 1787.

Letter of Gov. DesBarres to T. Ashfield, dated 28 Mar. 1787.

Appointment of Commissioners for trying, etc., with large seal attached, dated 17 April 1787.

Declaration respecting a debt of honor signed by H. W. Perry dated 15 June 1787.

Receipt for Depositions signed by F. W. DesBarres and in his own hand-writing, dated Sydney, 23 June 1787.

Memorandum on Governor Macarmick being proclaimed Lieut.-Govr. of Cape Breton, dated Sydney, 11 Oct. 1787.

Letter—Gov. DesBarres to Thos. Ashfield, dated 18 Aug. 1789.

Letter of Gov. DesBarres to Thos. Ashfield, dated 7 April 1791.

Schedule of Records of General Quarter Sessions left with Chief Justice Gibbons, dated 19 Oct. 1787.

Extract of the Chief Justice's Memorial to Lord Sydney respecting a provision for Mr. Ashfield.—1787.

Four Documents on parchment signed and sealed by J. F. W. DesBarres as Lt.-Gov. and Commander-in-Chief in and over H.M. Island of Cape Breton shewing the appointments of Mr. T. Ashfield.

Letter of Gov. DesBarres to Mr. Ashfield, April 1793.

Minutes of Council Meeting held at Sydney 27 July 1795 and extracts of letters of Lieut.-Gov. DesBarres.

Power of Attorney by James Chalmers in favour of T. Ashfield, dated 6 Aug. 1806.

Letter of Perry to Ashfield, dated 13 Feb. 1807.

Will of J. F. W. DesBarres, dated 10 Oct. 1824.

Drafts for £25 signed F. W. DesBarres, dated 10 Dec. 1824.

Drafts for £50 signed by F. W. DesBarres, dated 10 Mar. 1825 (?).

Petition of A. W. DesBarres to have the codicil to will of the late J. F. W. DesBarres proved in common form of law. 1825.

Letter from Probate Office to J. L. DesBarres, dated 22 Nov. 1825.

Cash Account—The Estate of the late Govr. DesBarres in a/c with James L. DesBarres.

BIOGRAPHICAL MATERIAL

Copies of documents lent by Rev. Thomas DesBarres, Christ Church Vicarage, Hertford, comprising memoranda, letters and notes giving biographical information on the DesBarres family.

THOMPSON PAPERS

1807

Thompson (David). Narrative of the Establishment on the Sources of the Columbia, addressed to Mr. Duncan McGillivray, Director of the N.W. Co. and the Gentlemen of Upper Fort des Prairies, 1807. Narrative of the Expedition to the Kootenae and Flat Bow Indian Countries, on the Sources of the Columbia River, Pacific Ocean, by D. Thompson, on behalf of the N.W. Company. 1807. (27 pages.)

1818

Thompson (David). Remarks on the Countries westward of the Rocky Mountains with references to the rough Chart. Terrebonne, 19th April 1818. (3 pages.)

ROEBUCK PAPERS

1835

Montreal
September 18.

G. Roy & Jacob DeWitt to J. A. Roebuck. *A.L.S.* Sends resolutions adopted at Trois Rivières, Sept. 8. Approves Roebuck's conduct.

1838

Notes for an argument in support of a motion to discharge the prisoners. (Relates to Upper Canada rebels arrested in 1837, and pardoned in 1838, but exiled to Van Dieman's Land. 32 half pages.)

London
February 6.

Mrs. Roebuck to Rev. Dr. Falconer, her father. *A.L.S.* Had five Canadians to dinner. Roebuck has written out his speech to the Lords. 86 pages. Succeeded in getting admission to the House of Lords. Roebuck certainly gave a dressing to the Lord in charge of the Colonial Office. It is the best speech he ever made. Wellington, Lyndhurst and all the Lords listened attentively. The bill passed the second reading in five minutes. Next week there will be no constitution in Canada. The authors of the row lose the little they had.

1839

London
March 14.

W. H. Ashurst to J. A. Roebuck. *A.L.S.* Enclosing a bill of costs, *re* Canadian Prisoners.

1844 (?)

L. A. Dessaulles to Roebuck. *A.L.S.* Enclosing a letter to Papineau.

SESSIONAL PAPER No. 23

L. J. Papineau to J. A. Roebuck. *A.L.S.* Spent the day visiting London. Left in the evening for Liverpool and next day for Dublin. On Sept. 4 took passage on board the steamer *Britannia*. Hopes to meet his wife in New York. For the present will not consider the question of selling his estate. Glad to have met him. After stopping at Halifax goes to Boston.

1845
Halifax
September 17.

LISGAR PAPERS

Kimberley to Young. *A.L.S.* As to the amnesty, can do nothing for the present. Canadian irritation useless, when dealing with a powerful and unreasonable nation such as the United States. We shall do the best we can for Canada, but the Canadian Government must make allowance for the difficulties of the case. The French have got into a terrible scrap. As to Belgium, we are resolved to maintain our neutrality, but our spirit or power is not diminished. Two sons of Lord Westbury going to Canada.

1870
Downing Street
August 10.

Lindsay to ———. *Extract.* The two militia officers, Colonel ——— and ———, are not mentioned by Col. Wolseley, but Major Macleod is. He had not a good opinion of the former two. They did nothing but their ordinary duty to promote success of the expedition. He did not think much of their military qualities. He concurs in this opinion—They have not earned honors, but there may be policy in not excluding them. It is the first military expedition under the Canadian Government. If the Governor and he think it advisable to include them, Col. Wolseley thinks there will be no inconvenience.

October 27.

Gladstone to Lisgar. *A.L.S.* Has submitted his name to the Queen to fill the Lord Lieutenancy of Cavan. Hopes it will be agreeable to him. As he is to return from Canada in the near future, he will have no difficulty in making arrangements.

1871
London
January 29.

Spencer to Lisgar. *Copy.* Offers him the Lieutenancy of the County of Cavan. Please telegraph answer.

Dublin
January 30.

Kimberley to Lisgar. *A.L.S.* Private. Did not delay his answer to the Privy Council Minute on the Treaty. He must have his despatch. The Canadian Government deserves much credit for its sensible conduct, fully appreciated here. Will keep Archibald's despatch secret. It was imprudent to reduce so much the forces at Fort Garry. There were newspaper articles about the withdrawal of troops from Canada. There is no slight to Canada, or intention of abandoning her. The only question is whether Canada, with three million people, should not undertake her own defence, England undertaking to garrison Halifax. Canada governing herself, it is more natural that she should control her own defence. It is nonsense to say that we abandon the fortress of Quebec. Who are "we"? We are fellow subjects (Incomplete).

Kimberley
House
December 6.

Kimberley to Lisgar. *A.L.* Discusses question of pensions to be provided by Canada for certain officers of the British Columbia Government after the union of the latter colony with Canada. Two-thirds of the present salary and emoluments of office would be a suitable pension. (16 pages.)

Downing Street
June 3.

ENGLISH MISCELLANEOUS

Memorial of Sir Wm. Pepperell to the Lords Justices praying for the pay of Captain, Colonel and Commander-in-Chief from Jan.

31st 1744 to Sept. 24th 1745 and that of Commander-in-Chief from Sept. 25th 1745 to May 22d 1746. (Contemporary copy.)

1745
Boston
December 24.

Letter of congratulation to Sir Wm. Pepperell from Thomas Cushing, Speaker and Josiah Willard, Secretary of the House of Representatives of the Province of Massachusetts Bays on the reduction of Cape Breton. (Contemporary copy.)

1748

A Brief Survey of Nova Scotia with an Account of the Several attempts the French have made in this war to recover it out of the Hands of the English. (Written after 1748 and divided as follows:)

Chap. I. Of the first discovery, Claims, Cessions, Bounds & Extent of the Province of Nova Scotia; with some Remarks on the Ineroachments of the French both on that Province, and other English Provinces.

Chap. 2. Of the several Attempts, the French have made in this War, to recover this Province, with a Description of the Fort of Annapolis Royal, and some Account of the services the Troops sent from New England have been employed on.

Chap. 3. A General Description of Nova Scotia, its Natural Products, Soil, Air, Winds, etc., with a particular description of the Bay of Fundy.

Chap. 4. Of the several Tribes of Indians in Nova Scotia with their Common Places of Residence.

A Proposal for the settling and better securing this Province in his Majesty's Interest.

1752
April 17.

Account of Peregrine Thos. Hopson, late governor of Louisbourg for money received of the Postmaster-General of His Majesty's forces. Between the 17th September 1747 and 18th August 1749.

1755

Journal of Major General Braddock's March, etc., towards Fort Du Quesne 1755. (Extracts from):

A Journal of the Proceedings of the Detachment of Seamen, ordered by Commodore Kepple, to assist on the late Expedition to the Ohio with an impartial Account of the late Action on the Banks of the Monongahela the 9th of July 1755; as related by some of the Principal Officers that day in the Field, from the 10th April 1755 to the 10th August, when the Detachment of Seamen embark'd on board His Majesty's Ship *Guarland* at Hampton in Virginia. (18 pages.)

1755

Summary of advices received from secret agents in France in 1755 concerning war preparations.

1755-1756

Summary of advices received from French sea-ports concerning war preparations and sent to Lord Bristol and M.M. Villette, DeCosme and Barham.

1758
Claremont
September 21.

The Duke of Newcastle to the Chancellor of the Exchequer, Legge. Mentions the fitting-out of an expedition to North America, "with all we have done ten times over, except Cape Breton." The expense will amount to twelve millions at least. Discusses ways of raising money.

1759-76

Journal of Captain Schomberg. In command of the *Diana*, he took part in the siege of Louisbourg and the St. Lawrence campaigns of 1759 and 1760. The journal covers his participation in the siege of Quebec from the 11 July to the 10 September 1759. There is but one entry relating to the American revolutionary war. At the end there are four pages (62 et seq.) of notes written in pencil by Wolfe with a plan drawn by him p. 58.

SESSIONAL PAPER No. 23

- Capt. Essex Edgeworth to Townshend. Desiring to be one of the suite of the new Lord Lieutenant to Ireland. 1767 August 4 & 12.
- Lieut. Col. James Cunninghame to Townshend. Mentions his application for the government of St. John's Island. 1769 London March 18.
- Letter of Sidney Swinney to Townshend. Asks for assistance to help him pay his debts and mentions the Marquis de Montcalm. 1770 Montauban January 20.
- Commission of ensign in the 69th Regiment of Foot by Sir Henry Clinton to George Savage. 1782 1783 April 5.
- Supplemental affidavits and remarks thereon; together with a brief review of the evidence adduced in support of the charges. By Lt.-Governor Fanning. 1789-1791. (Refer to charges made by John Hill and Messrs. Cambridge and Rowley, against Governor Fanning and other officers of the government, complaining particularly of the partial administration of justice.) 1789-1791
- List of Books proposed for The Public Library at Halifax in Nova Scotia. Sent from Ch. Ch. Oxford, by the Dean. 1793. (Photographic copy.) 1793 Oxford.
- MSS. Journal of the late Duncan McGillivray, Esquire. Grand Portage, 21st July 1794-14th May 1795. With an Indian Chart of the Rocky Mountains. (89 pages.) 1794-95.
- Sketch of the Fur Trade of Canada, 1809. Some account of the trade carried on by the North-West Company. (21 pages with additions.) 1809.
- Statement of the services of General Thomas Carleton in his own handwriting. 1810 February 8.
- William Ferdinand Wentzel. Account of the MacKenzie River with a Chart from Mr. Wentzel. (February 25th 1821, Winter Lake, Fort Enterprise.) 1821
- New Brunswick. Civil Government. Letter Book, 4 February 1824-30 December 1826. (Photostat copy of Lieut.-Governor Douglas' Letter Book.) 1824-26.
- Two letters of George Catlin to John Markham Thorpe and Miss Hutton in connection with a visit of his fourteen Ojibway Indians to Miss Hutton, with notes by her and newspaper cuttings. 1844 Birmingham October 29 & 30.
- Also letter relating to the visit of an Indian missionary to England and a hand-bill announcing performances of nine Ojibway Indians at the Egyptian Hall, Piccadilly.
- Judge J. H. Hagarty to John Macdonald. Invites him to a talk over the "Street Arab" question. 1868 April 17.
- Michel's memo for the Duke of Buckingham on the origin of the rule providing that colonial ships should wear the Blue Ensign with the badge of the Colony. 18 ? Admiralty May 28.

TRANSCRIPTS

DENIS DE BONAVENTURE FAMILY PAPERS RELATING
TO CANADA

1675

Quebec

Aug. 4.

1676

Quebec

Nov. 2.

1707

Rochefort

Sept. 16.

Versailles

Nov. 23.

Rochefort

Nov. 24.

Versailles

Dec. 28.

1708

Rochefort

Jan. 10.

Port Royal

May 1.

Port Royal

Aug. 28.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1709

Plaisance

May 27.

1713

Versailles

March 13.

Port Louis

Oct. 24.

1714

Louisbourg

July 11.

Birth certificate of Louis Denis de la Ronde.

Grant by Duchesneau to Pierre Denis de la Ronde, Charles Bazire, and Charles Aubert de Lachenaie of a tract of Land at Gaspé.

Agreement between Bégon and Louis Denis de la Ronde for the expedition to Acadia of the Frigate *Venus*.

Pontchartrain to Louis Denis de la Ronde about the *Venus*.

Bégon to Louis Denis de la Ronde about the same.

Extract from a letter of Pontchartrain ordering arrest of five Canadian deserters.

Bégon to Louis Denis de la Ronde. Recommends his early sailing.

Order of Subercase to Louis Denis de la Ronde to postpone his cruising expedition as there is danger of an attack.

Order of Subercase to Louis Denis de la Ronde to cruise against the enemy.

Commission of Costebelle to Louis Denis de la Ronde to take English prisoners to Quebec in his sloop *Hirondelle* and cruise against the enemy.

Marriage contract between Louis Denis de la Ronde and Louise Chartier de Lotbinière.

Order of Vaudreuil to Louis Denis de la Ronde to remain at Quebec with his two ships *Hirondelle* and *Minette* in view of a possible British attack.

Certificate of Costebelle that in October 1708, he told Denis de la Ronde that he could not provide him with provisions or sailors.

Certificate of Costebelle that in October 1708, he ordered Denis de la Ronde to act as second in command in St. Ovide's expedition against St. John's.

Order of Costebelle to Denis de la Ronde to return to France on the *Minette* and to take with him as prisoners Thomas Lloyd, governor of St. John's and Lieut. Philipps.

Order of Louis XIV to Denis de la Ronde to serve as a captain in Cape Breton Island.

Power of attorney by Louis Denis de la Ronde to François de Bordenon (?).

Instructions of L'Hermitte to Denis de la Ronde. He will go to Port Royal and meet Nicholson. He will act in concert with Father Bonaventure and the missionaries for the evacuation of the Acadians. In case of any objection he will show the Queen's orders and insist on their execution. He will use the missionaries to represent to the Acadians the dangers of not emigrating. He will make a return of the boats there or to be built, and also of the families needing transportation. Is to try to make an agreement with Nicholson for the exchange of possible deserters. For the rest is to act according to his knowledge and confer with Father Justinien.

SESSIONAL PAPER No. 23

Order of L'Hermitte to Denis de la Ronde to go to Port Royal and confer with Nicholson on the reasons why Acadians are not allowed to leave according to the Queen's orders. 1714
Louisbourg
July 13.

Minutes of a meeting of the Council. Propositions of La Ronde and Pensens were read. The Governor granted permission to hold a meeting of the inhabitants, but as to the time of leaving, the transportation of their goods, the building of boats and the selling of their lands, the Governor declared he had to refer the questions to the Court and could grant no more than what is contained in the Queen's letter to himself. Annapolis
Royal
Aug. 19.

Certificate of baptism of Louis Philippe, son of Louis Denis de la Ronde and Louise Chartier de Lotbiniere. Port Dauphin
Oct. 8.

Certificate stating that owing to lack of water and crew, Capt. de la Ronde of the *Venus* was unable to return to Port Royal. 1715
Louisbourg
Jan. 15.

Order of Gotteville de Belile to La Ronde to go and hire ship carpenters at Beaubassin, Mines and Baie Verte. 1720
Port La
Joie
Oct. 13.

Order of Gotteville de Belile to La Ronde to proceed to Louisbourg on business for the company and to engage fishing crews for the company. 1721
Port La
Joie
May 6.

Commission of Louis XV on request of Comte de St. Pierre, the grantee of the islands of St. Jean, Miscou, la Madeleine and Brion appointing Denis de la Ronde, commander in such islands for two years. 1722
Paris
Feb. 24.

Denis de la Ronde to the comte de Toulouse. Mentions his services on board several ships in Hudson Bay, Acadia, and Newfoundland. He was sent to Boston by Costebelle to negotiate secretly a treaty of neutrality between New England and Canada. He surveyed Isle Royale. Went to Acadia and got the Acadians to promise never to take an oath of fidelity to the King of England and to remain faithful to the King of France. Served at Isle Royale till 1720, then went to Isle St. Jean. Was appointed commander there, but did not fill the post as Mr. de Beaucour held a similar commission. So he now solicits a new post. 1725 (?)

Power of attorney by Louis Denis de la Ronde in connection with the estate of his cousin, Denis de la Peraudiere. 1736
Quebec
Oct. 17.

St. Pierre to La Ronde. Offering him the position of commander at Isle St. Jean. The Company will pay him 2,500 lvs. a year for the post, and 4,000 lvs. a year from the day he assumes his post. 1722
Paris
March 20.

St. Pierre to La Ronde. Congratulates him on his being awarded the Cross of St. Louis. He helped to secure it, as a return for his services to the Company. The Company only wants to bring as many colonists as possible, and assure them a good living, and even wealth through trading with the Company, which will take care of export and transport. This year the Company is putting up a saw-mill, and fortifying Port La Joie. Was unable to secure him a position in Canada. As to his proposal to build a ship at Isle St. Jean, the Company wants one of 300 tons. Has he good carpenters? He must use oak, not beech. The transport of it must be cheap, to compensate for the shipping of the rigging. His plan of sending fishermen north of the island would be good if there were more men. Paris
March 10.

Draft of a memorial of Denis de la Ronde to Maurepas. Has served 45 years. Cannot be reproached with anything but by false 1830 (?)

imputations. He now proposes to work the copper mines of Lake Superior. He asks for the post of Chagouamigon and leave to go up with the necessary number of canoes. He will build two ships, one on Lake Superior, and one at Sault Sainte Marie. They will be useful to transport the minerals and supply the posts with provisions from Detroit. Will favourably impress the Indians. Flat-bottomed boats will carry the minerals from Niagara to Quebec. If he does not accomplish this, he is ready to pay for the lease of Chagouamigon and lose his privilege.

1723
Quebec
Oct. 2.

Instructions of Vaudreuil to Denis de la Ronde, going to Boston. He is to represent to the governor of Boston that: 1. The Abenakis will not make peace till the English have surrendered their prisoners and quitted their lands; 2. The Abenakis having allies, will, in future, wage war with more success; 3. The English port on the east side of River St. George is in French territory; 4. The Treaty of Utrecht forbids the molesting of Indians friendly to France or England; 5. The Abenakis have cancelled the contract made with the English; 6. The Abenakis being Catholic, will never be England's friends; 7. They are now sending belts to all nations; 8. They are under the protection of France and have a right to defend their lands.

Quebec
Oct. 5.

Letter of Vaudreuil stating that Denis de la Ronde, going to Boston with La Gesse de Ramezay and six men, is to be given all assistance.

1726
Louisbourg
Sept. 12.

Certificate of Saint-Ovide de Brouilland that Denis de la Ronde served in 1709 against St. John's and behaved very well, and in 1714, carried on negotiations at Port Royal.

1727 (?)

Denis de la Ronde to Beauharnois. Statement year by year of his services; 1687, garde de la Marine; 1689 to 1695, on board various ships, named; 1695-96, prisoner in Ireland; 1697, with Iberville in Hudson Bay; 1698-99, on the Acadian coast; in 1700, with Iberville in Louisiana; 1702-3, having been wounded in a naval engagement, remained in Canada 1704, captured with the *Seine*; in 1705, cruised on the American coast; 1707, fought at Port-Royal under Subercase; 1708, took munitions to Acadia; 1709, with the expedition against St. John's, Newfoundland, and took the prisoners to Quebec; 1710, sailed to Placentia; 1711, went to Boston to negotiate a neutrality treaty; 1712, ordered to Isle Royale; 1713, surveyed Isle Royale and went to Acadia to prevent Acadians from accepting British rule; 1714, went to France; was appointed commander of Port Toulouse where he served till 1720; that year went to Isle St. Jean where he was second in command; 1722, appointed commander of the island, but did not fill the post; 1723, sent to Boston by Vaudreuil; 1727, appointed commander at Chagouamigon and discovered a red copper mine.

1727
Montreal
June 6.

Commission from Beauharnois appointing Denis de la Ronde commander at Chagouamigon, with instructions to maintain discipline between soldiers and traders, to prevent rum-selling to Indians and to keep peace with and among Indian tribes. Gives him orders to arrest illicit traders within his territory.

1729
Louisbourg
May 16
Louisbourg
May 17.

Petition of Claude Denis de Bonaventure respecting a piece of land in Louisbourg.

Ordinance of Le Normant granting the piece of land to Claude Denis on his paying the mortgage.

SESSIONAL PAPER No. 23

Lease of the post of Chagouamigon by Beauharnois to Denis de la Ronde. Grants him for nine years the privilege of trading and exploiting the copper mines, on condition that he will build this year a vessel of 25 tons to carry the ore to Sault Ste. Marie, and in 1735, another vessel of 50 tons at Detroit to carry the ore to Niagara from whence it will be shipped on flat-bottomed boats to Montreal. Otherwise is to lose his trading and mining privileges. La Ronde is to be allowed to use the King's vessel on paying freight.

1734
Montreal
May 19.

Denis de la Ronde to ———. Relates to the estate of Denis de la Beraudiere, in France. Gives several genealogical details.

1736
Quebec
Oct. 30.

Instructions of Beauharnois and Hocquart to Denis de la Ronde, or his associate, Guillary. The latter will take to Lake Superior the two Forsters, miners sent by the King, so that they may visit and examine the various places where copper is found. Situation of the mines in reference to rivers, plains and mountains and possible exploitation will be noted. A journal should be kept of everything. To treat the miners well. If they cannot finish their work this year they should be persuaded to go on with it next summer.

1738
Quebec
Mar. 18.

Land Grant by Duquesnel to Denis de Bonaventure.

1738 (?)
Louisbourg
Oct. 23.

Continuation of mining discovery by Denis de la Ronde. In 1736, spoke to Beauharnois of his discovery, asked for miners and sent ore to France. In 1737, went back to his post and only found copper. In 1738, met at Sault Ste. Marie the two German miners, the Forsters, who said they had discovered no mines. Took them to Chagouamigon and sent them to River Tonagane. They found copper but no mine. On River St. Anne, they found two mines, very good, and water-falls, and suitable lands and wood for an establishment. On Black River, they found a very good mine. In 1739, an Indian brought a piece of copper from a rock on the Tonagane River. The party sent to examine it reported the rock to be a good mine. Went back to Sault Ste. Marie. Started an establishment on St. Anne River, to consist of a fort, barracks, stores, forge and furnaces. Brought the miners back. All the way on the Grand River they noted mining veins, and one at the Chaudiere. There shall be one establishment on the St. Anne River with miners and workers sent from Germany, also two miners more for the Chaudiere, a more suitable place, so close to Montreal. He must establish a settlement at the mines. Land is very good. His communications will be from Sault Ste. Marie up a river near Machidache, for five leagues, thence a land road of eight leagues will bring him into Lake Ontario. This would avoid part of Lakes Huron and Erie and the Niagara portage. The other portage should be called Toronto.

1736-39.

Statement year by year, of the services of Denis de la Ronde. 1740 Duplicates the previous statement of 1727 up to that year; 1728-1733 attached to the Quebec garrison. 1734, went on mining discoveries; 1736-39, these years are covered by the above document; 1740, went back to his post and met his son, who said the fort at the mines was built.

Certificate of marriage between Claude Denis de Bonaventure and Louise de la Ronde, daughter of Louis Denis de la Ronde.

1748
Quebec
Nov. 25.

Statement of services of Captain Denis: 1737, cadet soldier; 1740, cadet à l'aiguillette; 1744, under Duvivier at the taking of Canso; 1745, at the siege of Louisbourg; 1746 in France; 1747, temporary

1737-1758.

commission; went to Canada; 1748, second ensign; 1749, went to Louisbourg; 1750, lieutenant and acting adjutant-major; 1754, adjutant-major; 1758, died after the siege.

1749
Quebec
April 25.

Registration of the marriage certificate of Claude Denis de Bonaventure and Louise de la Ronde.

1748
Quebec
Nov. 23.

Contract of marriage between Claude Denis de Bonaventure and Louise de la Ronde.

1751
Versailles
April 1.
Louisbourg
Oct. 4.

Warrant of Louis XV appointing Captain de Bonaventure commander at Isle St. Jean.

Instructions of Count Raymond to M. de Bonaventure, commander at Isle St. Jean: he is to welcome and help all settlers; to grant only unconceded lands; to urge the forming of villages in order to secure better defence, easier religious services and to have a doctor and a syndic. In case of the old settlements, it will be necessary for the forming of a village, to make some adjustment of lands; to keep a register of all grants; to put in order the roads from Port La Joie to Port des Trois Rivières, from there to Port St. Pierre, and from Trois Rivières to Pointe de l'Est for next Spring, and also the road from the North-East River to Port St. Pierre; to prevent all forbidden trade, especially British; to prevent cattle exportation; to insert in each grant the obligation of having cattle, sheep, pigs, poultry, gardens, etc.; to send information to him on every occasion.

1754
Versailles
April 1.

Commission of Louis XV to Denis de Bonaventure appointing him King's lieutenant at Louisbourg.

1753
Versailles
April 1.

Order of the King appointing Ensign Denis de la Ronde lieutenant.

1754
Louisbourg
Oct. 16.

Report of the survey of a lot belonging to Denis de Bonaventure.

Versailles
April 1.

Warrant of Louis XV appointing Lieut. Denis de Bonaventure second adjutant major at Louisbourg.

1763
Ile
Orléans
July 18.

Charles de la Ronde to his brother. Hears that he intends to return to Canada. Better to be with his family than wait for nothing. Only four companies kept here. The Court does not seem to care to keep this colony. The Jesuits' estates are being sold, and also all the King's property. All very sorry. Intends to go back to France. Pontiac wants to drive the British away. It may be bad for the Canadians. This attempt is doomed to fail. His sister is soliciting favours at the Court. She may want to return to Canada.

1655
Quebec
Aug. 23.

Certificate of marriage of Pierre Denis, son of Pierre Denis de la Trinité and Jeanne du Breuil of the parish of St. Vincent Tours, and of Catherine Le Neuf, daughter of Jacques Le Neuf de la Potherie and Marguerite Le Gardeur.

1749
Louisbourg
Oct. 16.

Certificate of baptism of Claude Charles, son of Claude Denis de Bonaventure and Louise Marguerite Denis de La Ronde.

VARIOUS

1760.

A Journal containing the manner, method, and Execution of the Demolition of the Fortifications of Louisbourg from June 1st to November 10th A.D. 1760. By the Direction of Dd. Muckell, Commandant of the Company of Royal Miners, and carried on by John Gowan, Lieut. of Miners.

SESSIONAL PAPER No. 23

Sir George Prevost. Notations for Commissions and Promotions. 1810-1815.
List of Officers noted for Promotion and Gentlemen for Commissions.

ROWE PAPERS

Transcript presented with two sketches, by Miss Ethel E. J. 1873-74.
Rowe, of a narrative written by her father, Lt. Col. Rowe, when a lieutenant in the Royal Engineers, on the North American Boundary Commission, 1873-74, relating his experience with the North-West Indians, the Sioux or Dacotahs.

